
Monday
April 28, 1980

FEDERAL REGISTER

Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C., New York, N.Y., New Orleans, La., Salt Lake City, Utah; Seattle, Wash., Chicago, Ill., and St. Louis Mo., see announcement in the Reader Aids section at the end of this issue.

- 28079 Financial assistance for Cuban refugees**
Presidential determination
- 28298 College Housing Programs** HUD/Sec'y proposes amendment to implement for fiscal year 1980; comments by 5-28-80 (Part III of this issue)
- 28288 Vocational Education** HEW/OE proposes to amend regulations; comments by 6-27-80 (Part II of this issue)
- 28179 Fishermen's Contingency Fund** Commerce/NOAA issues notice regarding compensation to fishermen for eligible claims of actual and consequential damages
- 28247 Treasury Notes** Treasury announces interest rate on notes of series R-1982
- 28092 High-Cost Gas** DOE/FERC adopts final regulations defining and deregulating; effective various dates

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Highlights

- 28148 Motor Gasoline Allocation** DOE/ERA announces intent not to adopt proposed regulations establishing a downward adjustment and certification procedure for wholesale purchaser-resellers of motor gasoline when supplies decrease
- 28136 Uniform Federal Standards** CSA issues regulations establishing procedures for procurement of supplies, equipment, construction and other services with Federal funds; effective 5-28-80
- 28183 Improving Government Regulations** CPSC describes activities toward compliance with executive order
- 28100 High-Cost Natural Gas Produced From Tight Formations** DOE/FERC gives notice of extension of comment period to 5-15-80
- 28162 Public Utility Regulatory Policies** DOE/FERC issues proposal regarding each public utility subject to Commission jurisdiction reporting anticipated shortages of electric energy affecting wholesale customers; comments by 6-23-80
- 28085 Hydroelectric Facility** DOE/FERC issues regulations setting eligibility requirements and the application procedures for obtaining exemption; effective 5-19-80
- 28142, 28243 Service of Drivers** DOT/FHA amends Federal Motor Carrier Safety Regulations to provide exemption permitting drivers to participate in test program; effective 5-1-80, test between 5-1-80 and 4-1-81 (2 documents)
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- 28148 Peanut Crop** USDA/CCC proposes to make determinations for 1980—crop peanuts, adjusting loan and purchase rates; comments by 6-27-80
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Title 3—

Presidential Determination No. 80-16 of April 14, 1980

The President

Specification pursuant to Section 101(a)(42) of the Immigration and Nationality Act (INA), as amended, and Determination pursuant to Sections 2(b)(2) and 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended (the "Act"), authorizing the obligation of \$4,250,000 in funds

Memorandum for the Secretary of State

Pursuant to Section 101(a)(42) of the INA as amended, I hereby determine, after appropriate consultation with the Congress, that special circumstances exist such that persons who have taken sanctuary in the Peruvian Embassy in Havana who otherwise qualify may be considered refugees even though they are still within their country of nationality or habitual residence.

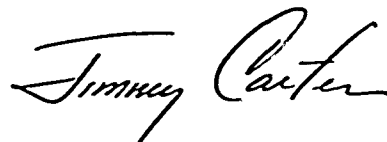
Pursuant to Section 207(b) of the INA as amended, I determine that an unforeseen emergency refugee situation exists, that the admission in response to the emergency refugee situation of 25 to 33 percent of the persons who have taken sanctuary at the Peruvian Embassy in Havana, up to a maximum of 3,500 refugees, is justified by grave humanitarian concerns and is otherwise in the national interest, and that the admission to the United States of these refugees cannot be accomplished under subsection 207(a) of the INA.

In order to respond to the urgent humanitarian needs of those people in Cuba who have taken sanctuary at the Peruvian Embassy in Havana, I hereby determine pursuant to Section 2(b)(2) of the Act that it is in the foreign policy interests of the United States to designate such persons at this Peruvian Embassy as a class of refugees eligible for assistance under the Act. Pursuant to Section 2(c)(1) of the Act, I hereby determine that it is important to the national interest that up to \$4,250,000 in funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available to aid in the resettlement of these refugees.

The Secretary is requested to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority.

This Determination shall be published in the Federal Register.

THE WHITE HOUSE,
Washington, April 14, 1980.



Rules and Regulations

Federal Register

Vol. 45, No. 83

Monday, April 28, 1980

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would make changes in certain reporting requirements of the filbert marketing order to bring them into conformity with current order requirements and industry practice. However, proposed changes in the dates of the marketing policy year and certain reporting requirements are withdrawn.

EFFECTIVE DATE: June 1, 1980.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, (202) 447-5053.

SUPPLEMENTARY INFORMATION: Notice was given in the February 25, 1980 Federal Register (45 FR 12259) on a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 982.432-982.471) by adding § 982.417 and revising §§ 982.466 and 982.468. The time for filing written comments was extended from March 13, 1980, to March 31, 1980, by an action published in the March 21, 1980, Federal Register (45 FR 18378). Comments on the proposal were filed by two handlers and the Filbert Control Board.

This subpart is issued under the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to as the "order". The order is effective under the Agricultural Marketing Agreement Act

of 1937, as amended (7 U.S.C. 601-674). The proposal was based on recommendations of the Department and the Filbert Control Board.

The Department proposed that § 982.466 be revised to have handlers report the quantity of shelled filberts withheld by them. Currently, that section requires handlers to make periodic reports of inshell filberts handled and withheld. The marketing order has been amended since this rule was established to authorize handlers to withhold shelled filberts in lieu of merchantable filberts for the purpose of meeting the restricted obligation under the volume regulations. While handlers are supplying the Board with information on the quantity of shelled filberts withheld, § 982.466 is revised, as proposed, to bring it into conformity with current order requirements and industry practice.

It was also proposed in the February 25 notice that a new § 982.417 be added providing for the marketing policy year to begin May 1 and end April 30. Currently, § 982.17(b) defines "Marketing policy year" to mean the 12 months from August 1 to the following July 31, both inclusive, or such other period of time as may be recommended by the Board and established by the Secretary. The Board proposed the change to encourage more shelling or exporting of filberts by handlers during May, June and July. The Board and one handler submitted comments in favor of the proposal.

Another handler, however, contended that the proposed change in the dates of the marketing policy year should not be made during the current year, which began August 1, 1979, and ends July 31, 1980. The handler indicated that if it is deemed desirable to change those dates, the change should be made prior to the beginning of a marketing policy year. To do otherwise would be extremely unfair to handlers who had gauged their operations accordingly. The handler stated that, in October, the beginning of each processing season, a handler begins to market the crop, accepts contracts for future deliveries, and determines what quantities will be free and restricted filberts in order to comply with the seasonal volume regulations under the order. Moreover, the handler pointed out that the marketing policy year is an important factor in determining the terms of contracts,

which have already been made for the 1979-80 marketing policy year.

There is merit to the objecting handler's contentions, especially those dealing with the impact of the proposed change on contracts written in anticipation of the 1979-80 marketing policy year beginning August 1, 1979, and ending July 31, 1980. While some handlers may benefit from the proposed change, the benefits would not override those impacts. Handlers and others should be aware that a marketing policy year may be shorter than 12 months before it begins so that they can plan their operations accordingly. Therefore, that part of the proposal dealing with the addition of a new § 982.417 to change the dates of the marketing policy year and, as a conforming change, to make certain changes in the reporting requirements of § 982.468, are withdrawn from rulemaking.

After consideration of all relevant matter presented, including that in the notice, the recommendation submitted by the Board, the comments received, and other available information, it is found that to amend the administrative rules and regulations as herein set forth will tend to effectuate the declared policy of the act.

This regulation has been reviewed under USDA criteria for implementing Executive Order 12044. A determination has been made that this action should not be classified "significant". An Impact Analysis is available from J. S. Miller (202) 447-5053.

Therefore, § 982.466 of Subpart—Administrative Rules and Regulations (7 CFR 982.432-982.471) is revised to read as follows:

§ 982.466 Reports of filberts handled, shelled and withheld.

Each handler shall report to the Board on FCB Form 1 the quantities of inshell filberts handled or withheld for exporting or shelling, and certified shelled filberts withheld since the last report. With respect to any such filberts handled and withheld during October, November, and through the Wednesday subsequent to December 15, such reports shall be submitted each Thursday for weekly shipments through the preceding Wednesday. All other reports shall be submitted at the end of each month. The quantities of inshell filberts handled shall be reported by size and the respective quantities of merchantable and ungraded filberts withheld shall be

reported separately, and with respect to filberts certified for shelling, or certified kernels withheld, the kernel weight and inshell equivalent weight shall be reported separately.

(Secs. 1-19 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 23, 1980 to become effective June 1, 1980.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 80-12938 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 80-NW-8-AD; Amdt. 39-3760]

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule supersedes airworthiness directive (AD) 70-25-10 which required repetitive stall torque testing of the stabilizer trim actuator, Boeing P/N 10-61326-4. Terminating action for that AD was to replace the stabilizer trim actuator, P/N 10-61326-4, with a new stabilizer trim actuator, Boeing P/N 10-61326-5.

Subsequent service experience has demonstrated that the stabilizer trim actuator, P/N 10-61326-5, deteriorates with use as did the original actuator P/N 10-61326-4. Because of low actuator stall torque, sufficient electric stabilizer trim may not be available on high gross weight airplanes in certain flight conditions when the elevator alone may not provide sufficient pitch control, which could result in loss of control of the airplane.

A recent review of stabilizer jackscrew actuator loads has established that these loads were higher than previous data indicated. For that reason, this AD applies to additional light weight 737 airplanes, containing the stabilizer jackscrew actuator P/N 10-61326-4, that were not covered by AD 70-25-10.

This rule will require repetitive stall torque testing of the stabilizer trim actuator, Boeing P/N 10-61326-5, as well as the P/N 10-61326-4. Terminating action for this AD will be to install a new stabilizer trim actuator, Boeing P/N 10-61326-6.

DATES: Effective date May 6, 1980. Compliance time described in the body of this AD.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707 Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Mark I. Quam, Systems and Equipment Section, ANW-213, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767-2500.

SUPPLEMENTARY INFORMATION:

Airworthiness Directive 70-25-10, Amendments 39-1126 (35 FR 19170), 39-1136 (35 FR 19982) and 39-1246 (36 FR 13369) were issued requiring repetitive stall torque testing of the horizontal stabilizer trim actuator, Boeing P/N 10-61326-4. Terminating action consisted of replacing the P/N 10-61326-4 actuator with an improved actuator, Boeing P/N 10-61326-5. This airworthiness directive was necessary because tests demonstrated that after approximately 2,500 hours of operation, the stabilizer trim actuator, P/N 10-61326-4, may deteriorate to a point where it would not provide the required torque to the stabilizer jackscrew in a mistrim maneuver. Subsequent tests have demonstrated that after approximately 5,000 hours of operation the stabilizer trim actuator, Boeing P/N 10-61326-5, stall torque deteriorates similarly with the same result.

The stabilizer trim actuators, P/Ns 10-61326-4 and -5, use clutches that are engaged by applying a magnetic field to ferrous powder. Use of the stabilizer trim actuator over a period of time causes the powder to wear and lose its angularity and thus its interlocking friction capability.

A new stabilizer trim actuator, Boeing P/N 10-61326-6, that contains multiple disc clutches and a separate torque limiter has been installed on the Boeing 737 production line number 482 and on. This actuator is less susceptible to torque degradation.

Boeing has issued Service Bulletin No. 737-27-1101, dated February 1, 1980, that provides the airplane operators with the information needed to test the stall torque of the stabilizer trim actuators, P/N 10-61326-4 and -5, to see if the actuators are serviceable. If the actuator torque is greater than 350 inch pounds, the actuator is serviceable, but the actuator should be retested after the specified number of flight hours determined by using the chart provided

in the service bulletin. If the torque is less than 350 inch pounds, the stabilizer trim actuator must be replaced with a new actuator, P/N 10-61326-6, or a serviceable actuator, P/N 10-61326-4 or -5.

This airworthiness directive supersedes AD 70-25-10. Boeing has reviewed the horizontal stabilizer jackscrew loads on the lighter 737-100 and 737-200 series airplanes with the stabilizer jackscrew actuator, P/N 10-61326-4, and found these loads higher than the previous data indicated. For that reason, this airworthiness directive applies to an additional number of airplanes not covered by the previous AD.

The test intervals and retest schedules in Service Bulletin No. 737-27-1101, diagram 2, for the P/N 10-61326-4 actuator have been revised based on additional in-service data. The maximum inspection interval for P/N 10-61326-4 has been reduced from the 2,500 hours indicated in Service Bulletin 737-27-1044 to 2,200 hours.

The terminating action for this AD will be to replace the stabilizer trim actuator, Boeing P/N 10-61326-4 or -5 with stabilizer trim actuator, Boeing P/N 10-61326-6.

This AD is required because use of stabilizer trim in addition to elevator control is required in certain unusual operating conditions of forward C.G., low altitude, high speed, and high gross weights, when combined with mistrim, unscheduled trim, or sudden airplane attitude change due to gusts. This AD will ensure that the stabilizer trim electrical actuator is capable of providing stabilizer trim in all flight conditions.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding AD 70-25-10, Amendments 39-1126 (35 F.R. 19170), 39-1136 (35 F.R. 19982), and 39-1246 (36 F.R. 13369), with the following new airworthiness directive:

Boeing: Applies to all 737-100 and -200 series airplanes certificated at takeoff weights in excess of 97,800 pounds and containing the horizontal stabilizer trim actuator P/N 10-61326-4 or P/N 10-61326-5.

Note.—The 737 airplanes from line 482 and on were delivered with horizontal stabilizer trim actuator P/N 10-61326-6. This AD will apply to those 737 airplanes line number 482 and on if P/N 10-61326-4 or -5 have been exchanged for P/N 10-61326-6.

Compliance is required as follows: To assure sufficient horizontal stabilizer trim capability, accomplish either A, B or C below within the next six (6) months after the effective date of this AD, unless already accomplished.

A. For horizontal stabilizer trim actuators having the P/N 10-61326-4 or P/N 10-61326-5, test the actuator stall torque in accordance with Boeing Service Bulletin No. 737-27-1101, dated February 1, 1980. The actuators found to have less than 350 inch pounds of torque must be replaced with a serviceable actuator P/N 10-61326-4, -5, or -6. Thereafter, for the actuators P/N 10-61326-4 and -5, conduct repetitive torque test per the "Actual Stall Torque/Maximum Test Interval" chart, Figure 2, of that service bulletin at intervals not to exceed the maximum test intervals (hours) indicated by the curve on the chart.

B. Replace the horizontal stabilizer trim actuator, Boeing P/N 10-61326-4 or -5 with stabilizer trim actuator, Boeing P/N 10-61326-6 in accordance with Boeing Service Bulletin No. 737-27-1101, dated February 1, 1980. Replacing the stabilizer trim actuator, Boeing P/N 10-61326-4 or -5, with Boeing P/N 10-61326-6 is the terminating requirement for this AD.

C. Perform an equivalent inspection and/or installation approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective May 6, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended [49 U.S.C. 1354(a), 1421, and 1423]; Sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c); and 14 CFR 11.89].

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the provisions of Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on April 16, 1980.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

C. B. Walk, Jr.,
Director, Northwest Region.

[FR Doc. 80-12861 Filed 4-25-80; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 20291; Amdt. 39-3762]

Airworthiness Directives; Cessna Model 180-180J, 185-185E, A185E and A185F Airplanes Modified in Accordance With Airglas Engineering Co., Inc., STC SA213AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) that was applicable to Cessna Models 180 and 185 airplanes equipped with specified Airglas Engineering Company, Inc., ski installations installed in accordance with STC SA213AL. The new AD is applicable to additional Cessna airplane models and additional Airglas ski models and incorporated revised requirements for ski rigging and airspeed limitation placards. This AD is needed to preclude the possibility of a ski rotating tip-down in flight, with resulting adverse flight and landing characteristics.

DATES: Effective May 12, 1980.
Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable service bulletin and related installation drawings may be obtained from: Airglas Engineering Company, Inc., P.O. Box 6107, Anchorage, Alaska 99502.

A copy of the service bulletin and related installation drawings is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591 and in the Office of the Regional Counsel, Regional Rules Docket, Third Floor, Module F, 701 "C" Street, Anchorage, Alaska 99513.

FOR FURTHER INFORMATION CONTACT: D. O. Curtis, Chief, Engineering and Manufacturing Field Office, AAL-210, Flight Standards Division, Alaskan Region, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513, Telephone: (907) 271-5927, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-1218 (36 FR 9860), AD 71-11-06, which currently requires a ski rigging change and skiplane airspeed limitation for Cessna Models 180 and 185 airplanes equipped with the Airglas LW3600-180A ski installations. After issuing Amendment 39-1218, the FAA determined, that Cessna airplane models of the A185 series and Airglas LW3600-180 skis installed on certain Cessna Model 180, 185, and A185 series airplanes are also susceptible to ski droop. In addition, based on reports of additional adverse service experience, further improvements in the ski rigging design and installation and different aircraft speed limitations are necessary to provide an adequate level of safety. In connection with the latter, the FAA has determined that a permanent speed restriction is necessary at all times the skis are installed rather than a speed restriction, as under the current AD, applicable only when there is not full compliance with rigging and modification provisions. Therefore, the FAA is superseding Amendment 39-1218 (AD 71-11-06) by requiring additional ski rigging changes and the installation of a new skiplane related airspeed limitation placard on Cessna Models 180 through 180J, 185 through 185E, A185E, and A185F airplanes equipped with Airglas LW3600-180 and -180A ski installations.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding a new AD to read as follows:

Cessna: Applies to Cessna Models 180-180J, 185-185E, A185E, and A185F airplanes equipped with Airglas Engineering Company, Inc., LW3600-180 or LW3600-180A ski installations in accordance with STC SA213AL.

Compliance required as indicated, unless already accomplished.

To preclude the possibility of a ski rotating tip-down in flight, with resulting adverse flight and landing characteristics, accomplish the following:

(a) Operation of airplanes equipped with Airglas Engineering Company, Inc., LW3600-180 or LW3600-180A ski installations, in excess of 160 KT IAS is prohibited.

(b) Prior to further flight, on airplanes equipped with Airglas Engineering Company, Inc., LW3600-180 or LW3600-180A ski

installation, install a placard on the instrument panel immediately adjacent to the airspeed indicator and in plain view of the pilot to read as follows:

DO NOT EXCEED 160 KTS IAS WITH AIRGLAS LW3600-180 SKIS INSTALLED

or

DO NOT EXCEED 160 KTS IAS WITH AIRGLAS LW3600-180A SKIS INSTALLED whichever is appropriate.

(c) Within the next 50 hours time in service after the effective date of this AD, and thereafter at any time the skis are installed, rig and modify the LW3600-180 or LW3600-180A ski check, safety, bungee cables in accordance with Airglas Engineering Company, Inc. Service Bulletin No. LW3600-3, dated September 21, 1979, or an FAA-approved equivalent.

This amendment supersedes Amendment 39-1218 (36 FR 9860) AD 71-11-06.

This amendment becomes effective May 12, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.69)).

Note.—The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to D. O. Curtis, Chief, Engineering and Manufacturing Field Office, AAL-210, Flight Standards Division, Alaskan Region, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513, Telephone (907)271-5927.

Issued in Washington, D.C. on April 21, 1980.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 80-12662 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 79-WA-14]

Special Use Airspace; Alteration of Restricted Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment rescinds one restricted area and alters three restricted areas in the Hawaiian Islands. This action reduces necessary interagency coordination time and thereby improves the air traffic handling capability in the Pacific-Asia Region. This amendment is the result of an extensive study of the use of airspace in this area.

EFFECTIVE DATE: July 10, 1980.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On January 24, 1980, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to rescind one restricted area and alter three others in the Hawaiian Islands (45 FR 5744). The proposal also contained information pertaining to proposed nonregulatory changes to warning areas which had been coordinated with the Department of State and the Department of Defense. This amendment and the warning area changes will become effective simultaneously. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objections. Section 73.31 of Part 73 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1980, (45 FR 697). This action is the same as that proposed in the notice.

The Rule

This amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) alters R-3101A and B; R-3104A, B, and C; R-3107A and B; and rescinds R-3120. This action combined with warning area changes improve airspace use and air traffic operations in the Hawaiian air traffic control area.

Changes to the restricted areas are as follows:

1. In R-3101 the designated altitudes are changed to "Surface to unlimited," and all of Subarea B is rescinded.
2. In R-3104A the designated altitudes are changed to "Surface to 18,000 feet MSL" and the title is changed from R-3104A to R-3104.
3. All of R-3104B is rescinded.
4. All of R-3104C is rescinded.
5. R-3107 is designated within 3 NM of the Island of Kaula (Lat. 21°39'30" N., Long. 160°32'30" W.) from the surface to 18,000 feet MSL replacing R-3107A.
6. All of R-3107A and B are rescinded.
7. All of R-3120 is rescinded.

Adoption of the Amendment

Accordingly, pursuant to the authority

delegated to me by the Administrator, § 73.31 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (45 FR 697) is amended, effective 0901 GMT, July 10, 1980, as follows:

1. Under R-3101 "Subarea A" title, is deleted. "Surface to 5,000 feet MSL," is deleted and "Surface to unlimited," is substituted therefor. Subarea B title and text is deleted.

2. Under R-3104A "R-3104A" title is deleted and "R-3104" is substituted therefor. "Surface to 10,000 feet MSL," is deleted and "Surface to 18,000 feet MSL," is substituted therefor.

3. R-3104B title and text is deleted.

4. R-3104C title and text is deleted.

5. Under R-3107A "R-3107A" title is deleted and "R-3107" is substituted therefor. "A circular area with a 3 NM radius centered at Lat. 21°39'30" N., Long. 160°32'30" W." is deleted and "The airspace within 3 NM of the Island of Kaula (Lat. 21°39'30" N., Long. 160°32'30" W.)" is substituted therefor. "Surface to FL 180" is deleted and "Surface to 18,000 feet MSL" is substituted therefor.

6. R-3107B title and text is deleted.

7. R-3120 title and text is deleted.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Washington, D.C., on April 21, 1980.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-12667 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 1**

[Order No. RM80-51; Order No. 77]

Rules of Practice and Procedure; Regulations Providing for Standard Format for and Summary of Briefs on and Opposing Exceptions**AGENCY:** Federal Energy Regulatory Commission.**ACTION:** Final rule.

SUMMARY: The Federal Energy Regulatory Commission amends § 1.31(b) of its Rules of Practice and Procedure to standardize the format of briefs on exceptions and briefs opposing exceptions, and to require that brief writers submit a summary of their briefs on or opposing exceptions along with the brief.

The purpose of providing a standard format for briefs on or opposing exceptions is to enable the Commission to more effectively review the legal, factual, and policy issues that are presented in the many cases that come before it for decision.

EFFECTIVE DATE: June 20, 1980.**FOR FURTHER INFORMATION CONTACT:**

Deborah Gottheil, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8457

June Perin, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8473.

SUPPLEMENTARY INFORMATION:

Issued: April 21, 1980.

The Commission is amending § 1.31(b) of its Rules of Practice and Procedure to standardize the format of briefs on exceptions and briefs opposing exceptions, and to require that brief writers submit a summary of their brief on exceptions or brief opposing exceptions long with the brief. The purpose of this amendment is to make briefs on exceptions and briefs opposing exceptions more useful to the Commission. The amendment adopts several recommendations contained in the Chairman's *Report to Congress*, drafted pursuant to section 207 of the Public Utility Regulatory Policies Act of 1978.¹

The amendment provides that each brief on exceptions and brief opposing

exceptions must include a discussion of the brief writer's arguments with references to the pages of the record or exhibits where the evidence appears in support of such arguments. In addition, the briefs must be accompanied by a separate summary of the brief, not more than 5 pages in length. There is no prescribed format for this summary. It may contain any discussion or arguments that the brief writer believes the Commission will consider persuasive.

The amendment provides separate yet additional requirements for briefs on or opposing exceptions. Briefs on exceptions must include a short statement of the case, a list of the errors of fact or law asserted, and a concise discussion of the policy considerations that warrant Commission review. Briefs opposing exceptions must include a list of the exceptions that are being opposed and a rebuttal to the policy considerations that were claimed to warrant Commission review.

The purpose of providing a standard format for briefs on or opposing exceptions is to enable the Commission to more effectively review the legal, factual, and policy issues that are presented in the many cases that come before it for decision. Those who practice before the Commission should realize that the interests of the Commission, and ultimately their clients, will be served by adhering to the prescribed format. Accordingly, the rule provides that briefs on or opposing exceptions that are not in compliance with the regulation risk being rejected or disregarded by the Commission.

Since this rule concerns a matter of agency practice and procedure, notice and public procedure thereon is unnecessary pursuant to 5 U.S.C. 553(b). This amendment applies to briefs on exceptions and briefs opposing exceptions filed 60 days after issuance of the regulation, or thereafter.

(Federal Power Act, as amended, 16 U.S.C. § 792, *et seq.*, Natural Gas Act, as amended, 15 U.S.C. § 717 *et seq.*, Department of Energy Organization Act, 42 U.S.C. § 7101 *et seq.*, E.O. 12009, 42 Fed. Reg. 46267)

In consideration of the foregoing, the Commission amends Part 1 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective June 20, 1980.

By the Commission.
Kenneth F. Plumb,
Secretary.

1. Section 1.31 is amended by revising paragraph (b)(1) to read as follows:

§ 1.31 Exceptions to intermediate decisions, briefs; briefs and oral arguments before the Commission.

* * * * *

(b) *Nature and service of briefs on exceptions and of briefs opposing exceptions.* (1)(i) Briefs on exceptions and briefs opposing exceptions shall include:

(A) A presentation of the brief writer's arguments with references to the pages of the record or exhibits where the evidence appears in support of such arguments; and

(B) A separate summary of the brief not more than 5 pages in length.

(ii) Briefs on exceptions shall, in addition to matters required by paragraph (b)(1)(i) of this section, include:

(A) A short statement of the case;

(B) A list of exceptions, including a specification of each error of fact or law asserted; and

(C) A concise discussion of the policy considerations that warrant Commission review.

(iii) Briefs opposing exceptions shall, in addition to matters required by paragraph (b)(1)(i) of this section, include:

(A) A list of exceptions opposed; and

(B) A rebuttal to policy considerations claimed to warrant Commission review.

(iv) Briefs on exceptions and briefs opposing exceptions not in compliance with paragraphs (b)(1)(i), (ii) or (iii) of this section be rejected or disregarded.

* * * * *

[FR Doc. 80-12969 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-65-M

18 CFR Part 4

[Docket No. RM79-35; Order No. 76]

Exemptions of Small Conduit Hydroelectric Facilities From Part I of the Federal Power Act**AGENCY:** The Federal Energy Regulatory Commission.**ACTION:** Final rule.

SUMMARY: This rule implements section 213 of the Public Utility Regulatory Policies Act of 1978 which added section 30 to the Federal Power Act which gives the Commission authority to exempt from Part I of the Federal Power Act certain hydroelectric facilities which have an installed capacity of 15 megawatts or less. The rule sets forth the eligibility requirements and the application procedures for obtaining the exemption for such a hydroelectric facility.

EFFECTIVE DATE: May 19, 1980.

¹ C. Curtis, Chairman, FERC, *Decisional Delay in Wholesale Electric Rate Cases: Causes, Consequences, and Possible Remedies*. (January 23, 1980)

FOR FURTHER INFORMATION CONTACT:

Colette K. Bohatch, Federal Energy Regulatory Commission, Office of the General Counsel, Room 3335, 825 North Capitol Street, N.E., Washington, D.C. 20425, (202) 357-8808.

Glenn J. Berger, Federal Energy Regulatory Commission, Office of the General Counsel, Room 8100, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

Howard Jack, Federal Energy Regulatory Commission, Office of the General Counsel, Room 8608, 825 North Capitol Street, N.E., Washington, D.C. 20526, (202) 357-8448.

Ron Corso, Federal Energy Regulatory Commission, Office of Electric Power Regulations, Room 4400, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-4864.

Final Rule Under Section 213 of The Public Utility Regulatory Policies Act of 1978

Issued: April 18, 1980.

The Federal Energy Regulatory Commission (Commission) gives notice that it adopts regulations that provide procedures for exemptions from Part I of the Federal Power Act (Act) for hydroelectric facilities with installed capacity of 15 megawatts or less that are built on non-Federal lands and utilize the hydroelectric potential of a manmade conduit operated primarily for purposes other than the generation of power. The rule informs applicants for such exemptions about the information required for the Commission to make an informed decision.

I. Background

Section 213 of the Public Utility Regulatory Policies Act of 1978 (PURPA) added section 30 to the Act, which gives the Commission authority to exempt small conduit hydroelectric facilities from regulation under Part I of the Act. Proposed regulations for implementation of section 30 were issued by the Commission on April 20, 1979.¹

The Commission originally proposed an exemption process with a minimum of filing requirements and an expedited procedure, which, pursuant to comments received, has been further streamlined. Under the final rule, applications will be considered on a case-by-case basis.

The final rule sets forth regulations which will expedite exemption from Part I of the Act while ensuring that the Commission obtains sufficient information to discharge its regulatory obligations under sections 213 of PURPA and the National Environmental Policy

Act of 1969 (NEPA), among other statutes. These application requirements are substantially less than those for license applications for minor projects (up to 1.5 megawatts) provided in § 131.60 of the Commission's regulations.²

To be eligible for exemption under section 30, a facility must:

(1) be constructed, operated, or maintained for the generation of electric power;

(2) utilize for the generation of electric power only the hydroelectric potential of a manmade conduit operated primarily for distribution of water for purposes other than the generation of electricity;

(3) have an installed capacity no greater than 15 megawatts; and

(4) be located on non-Federal lands.

Any citizen, association of citizens, municipality, State, corporation incorporated under the laws of the United States or a State, may apply for exemption for such a facility.³ The application and the procedures provided in the rule were designed to encourage the development of hydroelectric facilities that utilize available but undeveloped hydroelectric potential of manmade conduits.

An exemption application must contain the following items, each designed to require a minimum of information necessary to ascertain the eligibility of the facility, its impact on the environment, and whether the requested exemption is in the public interest:

(1) An introductory statement;

(2) Exhibit A, a description of the existing or proposed facility and mode of operation;

(3) Exhibit B, a general location map;

(4) Exhibit E, an environmental report; and

(5) Exhibit G, a set of drawings showing specific structures of the facility.

The Commission believes that the abbreviated application will permit it, in most instances, to render a decision on an exemption application within 90 days. Accordingly, the rule provides an automatic exemption for any application that is not acted upon within 90 days after it has been accepted for filing.

² For example, mapping requirements for an exemption application are less stringent than those for a license application for a minor project.

³ The Commission has already exempted the following projects from the requirements of Part I of the Act pursuant to its section 30 authority: Project No. 2896, Metropolitan Water District of Southern California, exemption granted on August 16, 1979; Project No. 2878, Turlock Irrigation District, exemption granted September 12, 1979; Project No. 2871, Turlock Irrigation District, exemption granted, November 16, 1979.

Although the rule also provides that the Commission may suspend the 90-day period to conduct a hearing on the application or to further deliberate the merits of an application, the Commission believes that the 90-day period will not, in most cases, be extended.

In the event an exemption application is denied, an applicant may request that such application be converted into a license application. The applicant can complete the license application merely by supplying any additional information required by the pertinent license regulations, while retaining the filing date awarded to the exemption application. This will further lessen the applicant's filing burden, if licensing is necessary.

II. Comment Analysis

Twelve parties commented on the rule, including the United States Department of Agriculture (USDA) and the United States Department of the Interior (DOI). Several State and local government agencies commented, among them the City of San Diego, California Energy Resources Conservation and Development Commission (CERCDC), Metropolitan Water District of Southern California (Metropolitan), Santa Clara Water District, and the Power Authority of the State of New York (PASNY). Comments were also filed by public utilities, including Central Power and Light Company (Central Power) and Pacific Power and Light Company (Pacific). The Association of California Water Agencies (ACWA), the National Conference of State Legislatures and the Puerto Rico Water Authority also filed comments.

A. General Approach. The case-by-case approach to the application procedures set forth in this rule was the subject of comment submitted by Metropolitan, who suggested that the Commission reconsider a generic exemption. After reconsidering the generic approach the Commission has decided to retain the case-by-case approach.

The leading factor underlying this decision is that different facilities at different geographic sites may have different effects. Environmental surroundings, as well as the construction and operation for each project, may vary considerably. The Commission is charged under several statutes, including NEPA, with the responsibility to assess the environmental implications of its actions. This can be accomplished more effectively on a case-by-case, rather than generic, basis. A generic exemption

¹ 44 FR 24580 (April 26, 1979).

would also diminish considerably the value of the interagency consultation that section 30 requires. After developing some experience in the administration of this rule, however, the Commission may reconsider the question of a generic exemption.

B. Definitions. Definitions were mentioned by more than half of the commenters. Terms of primary interest were "conduit," "construction of a dam," and "small conduit hydroelectric facility."

Conduit. Comments on the definition of "conduit" were directed at the phrase "not primarily for the generation of electricity" as it related to the use of water flowing through the conduit. Several commenters suggested incorporating a water volume test to clarify "primarily," i.e., only a specific volume of the water flowing through the conduit can be used for generation of electricity. Other commenters suggested a dollar value test as a means of comparing water use for distribution and water use for generation of electricity. Central Power and Pacific argued further that the definition "conduit" should be modified to accommodate circumstances in which the amount of water that ultimately is distributed for appropriate consumptive purposes is much less than the amount which must flow through the conduit to process the water for such consumptive purposes.

Although the Commission believes it would be helpful to provide some guidance for the term "primarily," these suggested tests are too restrictive. None of these tests, the dollar value of the water, the volume of water flowing through the conduit, nor the percentage of the water actually consumed should necessarily be the controlling factor in determining if a conduit facility is used primarily for agricultural, municipal, or industrial consumption. The Commission believes, however, that many of these cases can be decided by looking at the original purpose of the facility and how it is being operated. Therefore, the Commission, to give guidance in this area, has decided to describe this situation in the rule itself.

The Commission has determined that a conduit "which was built for the distribution of water for agricultural, municipal, or industrial consumption and is still operated for such a purpose, and to which a hydroelectric facility has later been or is proposed to be added," is "not operated primarily for the generation of electricity." This will reduce some of the uncertainty inherent in the term "primarily" for a substantial number of sites, without reducing the Commission's flexibility to assess on a

case-by-case basis other facilities which may apply for the exemption.

Small Conduit Hydroelectric Facility. The proposed definition of "small conduit hydroelectric facility" was criticized by DOI and the Puerto Rico Water Authority, regarding the limitation on use of "Federal lands." Both noted that this limitation in the proposed rule differed from the limitation of section 30 of the Act, because the rule required that the facility not be located "in whole or in part on any public lands or reservations of the United States," while section 30 requires that the facility be located on "non-Federal lands."

After further consideration the Commission has amended the definition to require that the facility be located "entirely on non-Federal lands." The Commission has recently ruled that the term "non-Federal lands" in section 30 of the Act should be interpreted to refer to any land except land to which the United States holds fee title.⁴ A definition for "non-Federal lands" incorporating this interpretation has been added to the rule, to provide maximum eligibility for exemption.

In addition, the Commission believes that the focus of the non-Federal lands limitation is the location of the hydroelectric facility itself, and not the location of the conduit. Thus, if a conduit to which the hydroelectric facility is attached crosses Federal lands, this fact alone would not disqualify an otherwise eligible hydroelectric facility from obtaining the exemption. If the hydroelectric facility is located on Federal lands, however, that facility would be ineligible for exemption. This clarification is reflected in the definition of "small conduit hydroelectric facility."

Several commenters also criticized this definition for its requirement that water used for power generation must be discharged into a conduit. Pacific based its comment upon its experience with three hydroelectric facilities, each of which discharges water into a natural stream for use in irrigation and domestic consumption. Pacific argued that these facilities, which might otherwise be eligible for the exemption, would be disqualified because water is discharged into a natural stream rather than a conduit. In addition, Metropolitan argued that the definition would disqualify facilities located at the end of the conduit which discharged water directly for agricultural, municipal, or industrial purposes, such as discharge

into an agricultural field for irrigation or into a ground well settling basin.

In light of the comments submitted by Pacific and Metropolitan, the Commission has decided to modify the definition of "small conduit hydroelectric facility" to permit discharge of water directly for consumptive use or into a natural body of water that forms an intermediate part of a single qualifying water supply system.

The Commission will also consider applications for exemption from facilities which do not meet the water discharge requirement in § 4.91(f)(5), but only after the applicant has demonstrated in a waiver petition under § 1.7(b) of the regulations that the facility still meets the statutory test of using the hydroelectric potential of a conduit primarily used for agricultural, municipal, or industrial consumption purposes. The Commission believes that the number of facilities which would qualify under section 30, but not under § 4.91(f)(5) of the rule, is small. Therefore, notice and comment procedures in these circumstances should not begin until a petition for waiver is granted and the application is accepted for filing.⁵ Thus, an application for such a facility must be accompanied by a petition for waiver and must note that fact in the "Introductory Statement" required by § 4.92(c)(2).

The Commission has also decided that primary transmission lines associated with the facility should not be considered part of the definition of "small conduit hydroelectric facility." Upon reexamination of section 30 of the Act, the Commission notes that an exemptable hydroelectric facility is one "constructed, operated, or maintained for the generation of electric power." Thus, transmission lines are not part of a small conduit hydroelectric facility within the meaning of the statute. This will increase the number of facilities eligible for exemption under the rule and further the purpose of section 30 of the Act.

The Commission has also amended the definition of "small conduit hydroelectric facility" to require that it not be "an integral part of a dam." Under this revised restriction, a facility will not be disqualified unless the powerhouse and the dam together form

⁴ The question of eligibility for exemption, under the statutory requirements, would remain subject to dispute in a proceeding on the application even if waiver were granted. Otherwise, potentially interested parties would be foreclosed from addressing the issue, because it would be finally decided before notice of application was even published.

⁵ South Columbia Basin Irrigation District, Project No. 2926, Order Issuing License (Major) (Issued March 27, 1980).

a physically and functionally indivisible unit for the impoundment of water.

Construction of a Dam. The definition of "construction of a dam" was also the subject of comment. ACWA and Metropolitan stated that any small conduit hydroelectric project which requires any modification of a dam under the Commission's proposed definition would be ineligible for the exemption.

This comment does not accurately apply the proposed rule. The definition of "construction of a dam" as proposed comprehended only construction, repair, reconstruction, or modification of a dam that: (1) creates a new impoundment or (2) increases the normal maximum surface elevation or the normal maximum surface area of an existing impoundment. The definition does permit other kinds of dam modifications.

The underlying reason for the exemption is to encourage development of power facilities associated with development of industrial, municipal, or agricultural water supply, where hydroelectric energy can be developed incidentally to the primary purpose of the conduit, *i.e.*, water distribution. The definition of "small conduit hydroelectric facility" has been modified, however, to make clear that "construction of a dam" that would occur for agricultural, municipal, or industrial consumptive purposes even without installation of hydroelectric generating facilities will not disqualify the hydroelectric facility from exemption.

Lastly, DOI stated that, as this definition was proposed, an exemption could be granted for construction of a large diversion dam for operation of a hydroelectric facility. Under the rule this could happen only if the diversion dam would have been built in any event for consumptive water supply purposes. In other words, the decision to construct the hydroelectric facility would not be the primary reason for constructing the diversion dam. There is no indication in the legislative history of PURPA that Congress intended to preclude an exemption unless the facility itself were structurally integrated with the dam or the dam created or enlarged an impoundment for hydroelectric generating purposes, and this rule would not permit an exemption in those circumstances.

C. Scope of Exemption. With respect to the scope of the exemption, Metropolitan presented extensive argument on the legislative history of section 213 of PURPA, contending that Congress intended to exempt not only a small conduit hydroelectric facility, but also the "associated project works,

including dams and other impoundments that are part of the conduit system" to which a small conduit hydroelectric facility is attached. This argument is irrelevant because this rule does not require licensing of any portion of a consumptive water supply system if the related small conduit hydroelectric facility is exempted.

D. Application Requirements.

Regarding the application requirements, most of the commenters recommended making the exhibits less comprehensive. The Commission has responded to these recommendations by further streamlining the exhibit requirements to the extent practicable. The Commission feels that the exhibit requirements, as adopted in this rule, are the minimum necessary to support an informed decision by the Commission.

Among other things, the Commission has eliminated these requirements that were included in the rule as proposed:

- (1) purposes for which the facility's electric power is generated;
- (2) costs of constructing the facility; and
- (3) mapping of associated transmission lines.

Not all of the commenters were in agreement with this streamlining. Regarding the environmental report, now designated as Exhibit E, the USDA and DOI stated that the rule should elicit additional information from the applicant. They stated that an application should include a statement that the facility will not affect any territory within the jurisdiction of the National Park Service. DOI further stated that the Heritage Conservation and Recreation Service may need to review the exemption applications and that sufficient detail should be required in the environmental report to make review meaningful.

USDA was concerned that no procedures are provided for processing an Environmental Impact Statement (EIS) if a facility is determined to be a major Federal action significantly affecting the quality of the human environment. DOI further suggested that the applicant be made aware of the Reclamation Project Act of 1939, because there may be obligations imposed on the applicant by that statute.

Even though the exhibits, including the environmental report, have been streamlined, the Commission believes that, as set forth in the final rule, they will provide the Commission staff and interested agencies with sufficient information to ascertain the facility's impacts, the appropriateness of an exemption, and the desirable conditions of exemption. If granting an exemption

in a particular instance would be a major Federal action significantly affecting the quality of the human environment, an EIS would be prepared in accordance with the Commission's rules implementing the National Environmental Policy Act.⁶

The Commission encourages the applicants to consult with both Federal and State agencies when preparing the application. The Commission will not undertake, however, to shoulder the burden of advising every applicant of its obligations under various other Federal laws that might affect a particular project.

ACWA commented on a requirement of proposed Exhibit A that the applicant identify "sources of the water supply for the related conduit" (§ 4.66(b)(2)(ii)). ACWA suggested that the word "direct" be added to modify "sources," to give the applicant guidance for tracing the source waters from the conduit. The Commission has decided to adopt, with modification, ACWA's suggestion. The change can be found in Exhibit A (§ 4.92(c)(3)(ii)). The pertinent phrase now reads "the proximate natural sources of water that supply the related conduit" [emphasis added], to indicate that the applicant need not trace beyond the nearest natural water source in any supply route.

E. Application Procedures. Central Power and Metropolitan suggested that the application procedures enabling automatic conversion from an application for exemption to an application for a license, if an exemption is denied, should be replaced with procedures for requesting such conversion. The Commission agrees with that suggestion and has changed the rule accordingly. Under the final rule, the applicant must notify the Commission of its intention to apply for a license before the application would be converted.

ACWA commented that the application procedures should include a provision that the Commission notify the applicant when the application is accepted for filing. This suggestion was already embodied in the proposed rule. When the application is determined to be complete, the Commission will notify the applicant in accordance with § 4.31(c)(1) that the application has been accepted for filing.

F. Terms and Conditions. Terms and conditions of the proposed rule were addressed by a majority of the

⁶The Commission will issue its final revised NEPA regulations in the near future. New NEPA regulations were proposed in 1979 in Docket No. RM79-69 (44 FR 50052, August 27, 1979). The NEPA regulations in §§ 2.80-2.82 will be used until the revised regulations are effective.

commenters, who made varied recommendations.

Proposed Article 1, which would have retained continuing health and safety authority in the Commission, was criticized by Metropolitan, ACWA, and CERCDC as imposing a condition which bears likeness to a statutory condition of licenses. The Commission has previously announced its intention to eliminate that article.⁷ The other articles were renumbered accordingly.

Proposed Article 2, now Article 1, drew comments from Metropolitan, ACWA, and CERCDC expressing the view that the Commission had only one remedy for a violation of a term or condition—revocation. The Commission disagrees with their draconian approach. Article 1 of the final rule sets forth several remedies, in addition to revocation, available to the Commission when an exempt facility is found in violation of the terms and conditions.

PASNY and CERCDC suggested rewording proposed Article 3 to require that the exempt facility comply with the requirements that fish and wildlife agencies have determined at the time an exemption is granted are appropriate to carry out the purposes of the Fish and Wildlife Coordination Act, and not requirements that fish and wildlife agencies subsequently decide are appropriate. Article 3, now Article 2, has been revised slightly to clarify that intent. If any fish and wildlife agency believes that a particular small conduit hydroelectric facility should be subject to an "open-ended" condition permitting imposition of fish or wildlife protection measures after exemption, it may require that that provision be made a condition of the exemption.

III. Section-by-Section Analysis

The exemption procedures for small conduit hydroelectric facilities are contained in §§ 4.90 through 4.94 of the Commission's regulations rather than §§ 4.66 and 4.67 as originally proposed.

§ 4.90 Applicability and purpose.

Section 4.90 briefly explains that the purpose of §§ 4.90–4.94 is to implement section 213 of PURPA. That section amends Part I of the Federal Power Act by establishing a new section 30 that provides that the Commission may exempt any small conduit hydroelectric facility from all or part of Part I of the Act.

⁷ *Metropolitan Water District of Southern California*, Project No. 2896, Order Approving Application for Exemption from Licensing (issued August 16, 1979).

§ 4.91 Definitions.

Section 4.91 provides definitions pertinent to an understanding of the following sections. Paragraph (f) is particularly significant as it defines "small conduit hydroelectric facility" by elaborating and clarifying the pertinent limitations and terms set out in section 30 of the Act. This section also defines "conduit," "construction of a dam," "fish and wildlife agencies," and "non-Federal lands."

§ 4.92 Exemption applications.

Paragraph (a) provides that any citizen or association of citizens of the United States, municipality, State, corporation incorporated under the laws of the United States or a State, may apply for exemption of an eligible facility. Paragraph (b) states that an exemption application must conform to requirements set forth in §§ 1.5 and 1.14 through 1.17 of this chapter and sets forth several specific rules for filing an application.

Paragraph (c) sets forth the required format and contents of the application, comprising an Introductory Statement and Exhibits A, B, E, and G. For a facility that does not meet the water discharge requirement in § 4.91(f)(5), the Introductory Statement must state that the application is accompanied by a petition for waiver of paragraph (f)(5) under § 1.7(b) of the Commission's regulations. The application will not be accepted for filing and processed until a petition for waiver is granted. If the petition is granted, the application is accepted for filing and is considered in accordance with the procedures of this rule.

Note that former Exhibits A and B have been interchanged and redesigned to provide a more logical format for the application, i.e., introductory statement, project description, general location map, environmental report, and drawings. Exhibit C, drawings, is now designated Exhibit G.

Exhibit A must include a description of the facility and proposed mode of operation. Exhibit B is a general location map.

Exhibit E is an environmental report, similar to that required for minor projects. Exhibit E requires that the applicant also provide any determination which the applicant has obtained from the U.S. Fish and Wildlife Service, the National Marine Fisheries Service (in instances where anadromous fish may be involved), and any State agency regulating fish or wildlife resources, and other information considered relevant by the applicant.

Exhibit G must contain drawings showing structures and equipment.

The Commission re-emphasizes that this final rule does not impose any additional filing requirements. Instead, it requires less information, in a simpler form, than would be required for the license applications that would otherwise have to be filed.

§ 4.93 Action on exemption applications.

This section describes procedural actions the Commission will take on an application for exemption and certain measures that may be necessary, such as setting an application for hearing. The Commission must act within 90 days or the application is deemed approved, unless the Commission suspends the 90-day period. In paragraph (f), the Commission reserves the right to impose conditions in addition to the standard ones set forth in § 4.94, to protect water supply for consumption, the environment, public safety, and the water power resources of the region.

Paragraph (g) provides for conversion of any exemption application that is denied into a license application. The applicant must supply any additional information required for a license application.

§ 4.94 Standard terms and conditions of exemption.

Section 4.94 describes the standard terms and conditions for all exemptions, including the Commission's rights of investigation and enforcement and compliance with those terms and conditions determined by State and Federal fish and wildlife agencies.

(Federal Power Act, 16 U.S.C. §§ 792–828c; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. §§ 2601–2645; Department of Energy Organization Act, 42 U.S.C. §§ 7101–7352; R.O. 12009, 3 CFR 142 (1978))

IV Effective Date and Applicability to Pending Applications

These rules have been promulgated under the Federal Power Act, as amended by PURPA, and, therefore, a right to rehearing exists under section 313 of the Federal Power Act.

In consideration of the foregoing, Part 4, Subchapter B, Chapter 1 of Title 18, Code of Federal Regulations, is amended as set forth below, effective May 19, 1980.

Any applications for exemption for which notice of acceptance for filing was given prior to the effective date of this rule are subject to the 90 day automatic exemption provisions in § 4.93 as of the effective date of this rule.

By the Commission.
Kenneth F. Plumb,
Secretary.

1. Part 4 is amended in the title, to read as follows:

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATION OF PROJECT COSTS

2. Part 4 is amended in the table of contents by adding Subpart J and by revising the Authority citation, to read as follows:

Subpart J—Exemption of Small Conduit Hydroelectric Facilities

- Sec.
4.90 Applicability and purpose.
4.91 Definitions.
4.92 Exemption applications.
4.93 Action on exemption applications.
4.94 Standard terms and conditions of exemption.

Authority: This part is issued under the Federal Power Act, as amended, 16 U.S.C. 792-828c; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601-2645; and the Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 142 (1978).

3. Part 4 is amended by adding Subpart J to read as follows:

PART 4—LICENSES, PERMITS, EXEMPTIONS, AND DETERMINATIONS OF PROJECT COSTS

Subpart J—Exemption of Small Conduit Hydroelectric Facilities

§ 4.90 Applicability and purpose.

This subpart implements section 30 of the Federal Power Act and provides procedures for obtaining an exemption for constructed or unconstructed small conduit hydroelectric facilities, as defined in § 4.91, from all or part of the requirements of Part I of the Federal Power Act, including licensing, and the regulations issued under Part I.

§ 4.91 Definitions.

For the purpose of this subpart:

(a) "Conduit" means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity. The term "not primarily for the generation of electricity" includes but is not limited to a conduit:

- (i) Which was built for the distribution of water for agricultural, municipal, or industrial consumption, and is operated for such a purpose, and
- (ii) To which a hydroelectric facility has been or is proposed to be added.

(b) "Construction of a dam" means any construction, repair, reconstruction, or modification of a dam that creates a new impoundment or increases the normal maximum surface elevation or the normal maximum surface area of an existing impoundment.

(c) "Dam" means any structure that impounds water.

(d) "Fish and wildlife agencies" means the U.S. Fish and Wildlife Service, the National Marine Fisheries Service if anadromous fish may be affected, and any State agency with administrative authority over fish or wildlife resources of the State in which a particular small conduit hydroelectric facility will be located.

(e) "Non-Federal lands" means any lands except land to which the United States holds fee title.

(f) "Small conduit hydroelectric facility" means an existing or proposed hydroelectric facility, including all structures, fixtures, equipment, and lands used and useful in the operation or maintenance of the hydroelectric facility, but not including the conduit on which the hydroelectric facility is located or the transmission lines associated with the hydroelectric facility, which facility is constructed, operated, or maintained for the generation of electric power and:

- (1) utilizes for electric power generation the hydroelectric potential of a conduit;
- (2) is located entirely on non-Federal lands;
- (3) has an installed generating capacity of 15 megawatts or less;
- (4) is not an integral part of a dam;
- (5) discharges the water it uses for power generation either:

- (i) into a conduit;
 - (ii) directly to a point of agricultural, municipal, or industrial consumption; or
 - (iii) into a natural water body, if a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from that water body downstream into a conduit that is part of the same water supply system as the conduit on which the hydroelectric facility is located; and
- (6) does not rely upon construction of a dam which construction will create any portion of the hydrostatic head that the facility uses for power generation, unless that construction would occur for agricultural, municipal, or industrial consumptive purposes even if hydroelectric generating facilities were not installed.

§ 4.92 Exemption applications.

(a) *Who may apply.* Any citizen or association of citizens of the United States, municipality, State, or

corporation incorporated under the laws of the United States or a State, may apply for exemption of a small conduit hydroelectric facility from all or part of the provisions of Part I of the Federal Power Act.

(b) *General requirements.* (1) Except as otherwise prescribed in this subpart, an application for exemption of a small conduit hydroelectric facility must conform to the requirements set forth in §§ 1.5 and 1.14 through 1.17 of this chapter.

(2) An original and fourteen copies of the exemption application must be submitted to the Secretary of the Commission. Full-sized prints (but not the originals) of all required maps and drawings must be filed with the original application. The original maps or drawings (microfilm) may be requested pursuant to § 4.31(c) of this part.

(c) *Contents of Application.* (1) An application for exemption under this subpart must include:

- (i) an introductory statement, including a declaration that the facility for which application is made meets the requirements of § 4.91(f) of this subpart (If the facility qualifies but for the discharge requirement of § 4.91(f)(5), the introductory statement must identify that fact and state that the application is accompanied by a petition for waiver of § 4.91(f)(5), filed pursuant to § 1.7(b) of this chapter.); and
- (ii) Exhibits A, B, E, and G.

(2) *Introductory Statement.* The introductory statement must be set forth in the following format:

BEFORE THE FEDERAL ENERGY
REGULATORY COMMISSION,
APPLICATION FOR EXEMPTION FOR
SMALL CONDUIT HYDROELECTRIC
FACILITY

[Name of applicant] applies to the Federal Energy Regulatory Commission for an exemption for the [name of facility], a small conduit hydroelectric facility that meets the requirements of [insert the following language, as appropriate: "§ 4.91(f) of this subpart" or "§ 4.91(f) of this subpart, except paragraph (f)(5)"], from certain provisions of Part I of the Federal Power Act.

The location of the facility is:

State or Territory: _____

County: _____

Township or nearby town: _____

The exact name and business address of each applicant are: _____

The exact name and business address of each person authorized to act as agent for the applicant in this application are: _____

[Name of applicant] is [a citizen of the United States, an association of citizens of the United States, a municipality, State, or a corporation incorporated under the laws of

(specify the United States or the State of incorporation, as appropriate), as appropriate].

The provisions of Part I of the Federal Power Act for which exemption is requested are:

[List here all sections or subsections for which exemption is requested.]

[If the facility does not meet the requirement of § 4.91(f)(5), add the following sentence: "This application is accompanied by a petition for waiver of § 4.91(f)(5), submitted pursuant to 18 CFR § 1.7(b)."]

(3) *Exhibit A.* Exhibit A must describe the small conduit hydroelectric facility and proposed mode of operation with appropriate references to Exhibits B and G. To the extent feasible the information in this exhibit may be submitted in tabular form. The following information must be included:

(i) A brief description of any conduits and associated consumptive water supply facilities, intake facilities, powerhouses, and any other structures associated with the facility.

(ii) The proximate natural sources of water that supply the related conduit.

(iii) The purposes for which the conduit is used.

(iv) The number of generating units, including auxiliary units, the capacity of each unit, and provisions, if any, for future units.

(v) The type of each hydraulic turbine.

(vi) A description of how the plant is to be operated, manually or automatically, and whether the plant is to be used for peaking.

(vii) Estimations of:

(A) the average annual generation in kilowatt hours;

(B) the average head of the plant;

(C) the hydraulic capacity of the plant (flow through the plant) in cubic feet per second;

(D) the average flow of the conduit at the plant or point of diversion; and

(E) the average amount of the flow described in clause (D) available for power generation.

(viii) The planned date for beginning construction of the facility.

(ix) If the hydroelectric facility discharges directly into a natural body of water and a petition for waiver of § 4.91(f)(5) has not been submitted, evidence that a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from that water body downstream into a conduit that is part of the same water supply system as the conduit on which the hydroelectric facility is located.

(x) If the hydroelectric facility discharges directly to a point of agricultural, municipal, or industrial consumption, a description of the nature

and location of that point of consumption.

(xi) A description of the nature and extent of any construction of a dam that would occur in association with construction of the proposed small conduit hydroelectric facility, including a statement of the normal maximum surface area and normal maximum surface elevation of any existing impoundment before and after that construction; and any evidence that the construction would occur for agricultural, municipal, or industrial consumptive purposes even if hydroelectric generating facilities were not installed.

(4) *Exhibit B.* Exhibit B is a general location map that must show the following information:

(i) the physical structures of the small conduit hydroelectric facility in relation to the conduit and any dam to which any of these structures is attached;

(ii) a proposed boundary for the small conduit hydroelectric facility, by indicating distances from the facility's structures; and

(iii) the ownership of the parcels of land within the proposed boundary for the small conduit hydroelectric facility.

(5) *Exhibit E.* This exhibit is an environmental report that must include the following information, commensurate with the scope and environmental impact of the facility's construction and operation:

(i) A description of the environmental setting in the vicinity of the facility, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational use, socio-economic conditions, historical and archeological resources, and visual resources. The report must give special attention to endangered or threatened plant and animal species, critical habitats, and sites eligible for or included on the National Register of Historic Places. The applicant may obtain assistance in the preparation of this information from State natural resources agencies, the State historic preservation officer, and from local offices of Federal natural resources agencies.

(ii) A description of the expected environmental impacts resulting from the continued operation of an existing small conduit hydroelectric facility, or from the construction and operation of a proposed small conduit hydroelectric facility, including a discussion of the specific measures proposed by the applicant and others to protect and enhance environmental resources and to mitigate adverse impacts of the facility on them.

(iii) A description of alternative means of obtaining an amount of power equivalent to that provided by the proposed or existing facility.

(iv) Documentary evidence that the applicant consulted with fish and wildlife agencies before filing, including any terms or conditions of exemption that those agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act. If any fish or wildlife agency fails to provide the applicant with timely documentation of the consultation process, the applicant may submit a summary of the consultation and any determinations of the agency.

(v) Any additional information the applicant considers important.

(6) *Exhibit G.* Exhibit G is a set of drawings showing the structures and equipment of the small conduit hydroelectric facility. The drawings must include plan, elevation, profile, and section views of the power plant and any other principal facility structure and of any dam to which a facility structure is attached. Each drawing must be an ink drawing or a drawing of similar quality on a sheet no smaller than eight and one-half inches by eleven inches, with a scale no smaller than one inch equals 50 feet for plans and profiles and one inch equals 10 feet for sections. Generating and auxiliary equipment must be clearly and simply depicted and described. For purposes of this subpart, these drawing specifications replace those required in § 4.32 of the Commission's regulations.

§ 4.93 Action on exemption applications.

(a)(1) Except in the case of paragraph (a)(2), an application for exemption for a small conduit hydroelectric facility will be processed in accordance with paragraphs (c) through (g) of § 4.31 of this part, except that notice will be published only once in a daily or weekly newspaper of general circulation in each county in which the facility is or will be located. The additional time that may be allowed under paragraph (d) of § 4.31 for correcting deficiencies in an application for exemption may not exceed 45 days.

(2) An application for exemption which does not meet the eligibility requirements of § 4.91(f)(5) will not be accepted for filing until the waiver is granted.

(b) The Commission may order a hearing on an application for exemption either on its own motion or on the motion of any party in interest. Any hearing shall be limited to the issues prescribed by order of the Commission.

(c) The Commission will circulate a notice of application for exemption to interested agencies at the time the applicant is notified that the application is accepted for filing. Fish and wildlife agencies will also receive copies of the application. If a particular agency does not comment within 45 days from the issuance of the notice, that agency will be presumed to have no objection to the exemption requested. A fish and wildlife agency that does not comment within that time will also be presumed to have determined that no terms or conditions of exemption are necessary to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the provisions of the Fish and Wildlife Coordination Act, except those terms or conditions that may be included in Exhibit E (§ 4.92(c)(5)) of the application for exemption.

(d) If the Commission has not taken one of the actions set forth in paragraph (e) of this section within 90 days after notifying the applicant that its application for exemption is accepted for filing, then at the expiration of that period the application will be considered granted as requested, on the standard terms and conditions set forth in § 4.94.

(e) Within 90 days after notifying an applicant for exemption that its application is accepted for filing, the Commission may take any of these affirmative actions:

(1) grant the exemption as requested;

(2) grant an exemption from provisions of Part I of the Federal Power Act (and the regulations issued under those provisions) other than those for which exemption was requested, upon finding that modification of the exemption requested is necessary or desirable to carry out the purposes of Part I;

(3) deny exemption if the granting of the exemption would be inconsistent with the provisions of Part I of the Federal Power Act or is otherwise inconsistent with the public interests; or

(4) suspend the 90-day period for action under paragraphs (e)(1) through (3) of this section, upon finding that additional time is necessary for gathering additional information, conducting additional proceedings, or deliberating on the issues raised by the application.

(f) In granting an exemption the Commission may prescribe terms or conditions in addition to those set forth in § 4.94, in order to:

(1) protect the quality or quantity of the related water supply for agricultural, municipal, or industrial consumption;

(2) otherwise protect life, health, or property;

(3) avoid or mitigate adverse environmental impact; or

(4) conserve, develop, or utilize in the public interest the water power resources of the region.

(g) *Conversion to license application.*

(1) If an application for exemption under this subpart is denied by the Commission, the applicant may convert the exemption application into an application for license for the hydroelectric project.

(2) The applicant must provide the Commission with written notification, within 30 days after the date of issuance of the order denying exemption, that it intends to convert the exemption application into a license application. The applicant must submit to the Commission, no later than 90 days after the date of issuance of the order denying exemption, additional information that is necessary to conform the exemption application to the relevant regulations for a license application.

(3) If all the information timely submitted is found sufficient, together with the application for exemption, to conform to the relevant regulations for a license application, the converted application will be considered "accepted for filing" as of the date that the exemption application was accepted for filing.

§ 4.94 Standard terms and conditions of exemption.

Any exemption granted under § 4.93 for a small conduit hydroelectric facility is subject to the following standard terms and conditions:

(a) *Article 1.* The Commission reserves the right to conduct investigations under sections 4(g), 306, 307, and 311 of the Federal Power Act with respect to any acts, complaints, facts, conditions, practices, or other matters related to the construction, operation, or maintenance of the exempt facility. If any term or condition of the exemption is violated, the Commission may revoke the exemption, issue a suitable order under section 4(g) of the Federal Power Act, or take appropriate action for enforcement, forfeiture, or penalties under Part III of the Federal Power Act.

(b) *Article 2.* The construction, operation, and maintenance of the exempt facility must comply with any terms and conditions that any Federal or State fish and wildlife agencies have determined are appropriate to prevent loss of, or damage to, fish or wildlife resources or otherwise to carry out the

purposes of the Fish and Wildlife Coordination Act.

[FR Doc. 80-12707 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Parts 154, 270, 271, 272, 273, and 274

[Docket No. RM79-44; Order No. 78]

Final Rule Defining and Deregulating Certain High-Cost Gas

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby adopts final regulations defining and deregulating certain high-cost gas. As of November 1, 1979, section 121 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3331) eliminates price controls for the first sale of gas for which a final determination has been obtained that the gas is high-cost natural gas described in section 107(c)(1) through (4) (15 U.S.C. 3317). The categories of gas which were deregulated include deep, high-cost natural gas, gas produced from geopressured brine, occluded natural gas produced from coal seams, and gas produced from Devonian shale. These final regulations substantially amend the interim regulation which were issued on October 24, 1979 (44 FR 61950, October 29, 1979).

EFFECTIVE DATE: The amendments contained in this rule, except for the provisions of §§ 272.103, 272.105 and 274.205, are effective April 22, 1980.

The amendments to § 272.103 (relating to the definitions) shall become effective April 22, 1980 with regard to jurisdictional agency determinations which have not yet become final under § 275.202 as of April 21, 1980.

The amendments to § 274.205 (relating to the filing requirements) shall become effective April 22, 1980 with respect to all applications for which a jurisdictional agency has not yet made a determination, as described under § 274.102, or has made a negative determination that has not become final as of April 21, 1980.

Section 272.105, which provides for separate billing, shall become effective May 28, 1980.

FOR FURTHER INFORMATION CONTACT: NGPA Hotline, Office of Pipeline and Producer Regulation, 825 North Capitol Street, N.E., Washington, D.C. 20426, Toll Free (800) 424-5200, (202) 357-8137

Issued: April 22, 1980.

I. Introduction and Summary

As of the effective date of the incremental pricing rule required under section 201 (15 U.S.C. § 3341), section 121 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. § 3331) eliminates price controls for the first sale of gas for which a final determination has been obtained that the gas is high-cost natural gas described in section 107(c)(1) through (4) (15 U.S.C. § 3317). That date occurred November 1, 1979. The categories of gas which were deregulated include deep, high-cost natural gas (defined in section 107 of the NGPA), gas produced from geopressured brine, occluded natural gas produced from coal seams, and gas produced from Devonian shale.

The final regulations contained in this order modify the interim regulations on deregulated gas. They make minor modification in the definition of "natural gas produced from geopressured brine," substantially change the definition of "natural gas produced from Devonian shale" to include certain gas produced from sand stringers in the Devonian shales, permit the interim collection of the maximum lawful price permitted under section 102, permit retroactive collection, and require the seller to separately bill all sales of deregulated high-cost gas. The filing requirements have also been amended.

II. Background

The interim rules were issued on October 24, 1979, (44 FR 61950, October 29, 1979) effective as of November 1, 1979. Further comments were invited. Especially solicited were comments concerning the provisions providing for charges and collections pending final determination that the gas qualifies as deregulated gas (interim collection); retroactive collection of the contract price after the final determination is obtained; and proper ways to treat first sales among affiliated entities and sales by pipelines which do not qualify as first sales.

Written comments were due by November 19, 1979, and a public hearing was held on December 4, 1979. Copies of comments and a transcript of the public hearing may be found in the public files in Docket No. RM79-44.

III. Analysis of Comments

A. Definitions and Filing Requirements

1. *Natural gas produced from geopressured brine.* The interim rule provided the following definition of gas produced from geopressured brine:

§ 272.101(a) "*Natural gas produced from geopressured brine*" means natural gas dissolved before initial production of natural gas in subsurface brine aquifers with at least 10,000 parts of Sodium Chloride per million parts of water and an initial reservoir geopressure gradient in excess of 0.465 pounds per square inch for each vertical foot of depth.

Few comments were received on the definition of gas produced from geopressured brine. One comment suggested that the required salinity of the brine should decrease in deeper reservoirs since deep gas is more expensive to produce. Another commenter argued that deregulation will not create incentives for the development of gas dissolved in brine unless free gas produced in association with the brine is also deregulated. Finally, some commenters pointed out that salts and solids other than Sodium Chloride may be dissolved in brine and therefore the definition of brine should not be determined solely by the amount of Sodium Chloride dissolved in the aquifer.

Because brine is often composed of other dissolved salts and solids the final definition of brine has been modified to include all dissolved solids and is no longer limited to Sodium Chloride. The other suggestions have not been adopted.

Qualification will not depend upon the depth of the reservoir since, by statutory direction, qualification under this category of gas relates *only* to whether the gas is dissolved gas produced from geopressured brine. Furthermore, the final definition is not so restrictive that it will exclude the deeper brine aquifers.

In the interim regulations the Commission considered the possibility of qualifying "free gas" caps found in association with brine. For the same reasons elucidated therein, the Commission will not include such free gas in its definition of "natural gas produced from geopressured brine."

2. *Natural gas produced from Devonian shale.* The interim rule defined "gas produced from Devonian shale" as follows:

§ 272.101(c) "*Natural gas produced from Devonian shale*" means natural gas produced from the fractures, micropores and bedding planes of shales deposited during the Paleozoic Devonian Period.

The preamble stated that the rule was not intended to deregulate gas produced from "stringers" (potentially gas-producing rock within the Devonian shale strata). Under the interim rule, if such gas and deregulated gas were produced from a single well, pricing for gas from the well was to be based on a

reasonable allocation of production from the different pricing categories.

Comments voiced opposition to the exclusion of stringer production from qualification as gas produced from Devonian shale. Some stated that an accurate allocation is impractical in the case of open hole completions. None made any suggestion as to how the definitions could be formulated to include only production from currently uneconomical gas-bearing Devonian shale. Additionally, comments pointed out that it would not be feasible to obtain a gamma ray log for some old wells.

Our review of shale production and resource potential indicates that the definition needs to be changed. The interim rule's definition was extremely restrictive. It precluded qualification of gas produced from formations which contain too much shale to be considered anything other than shale for purposes of completion practices, but contain enough quartz or other coarser material to be designated stringers of other rock. Also, since a large number of wells produce in part from such stringers, production from a large number of wells would have required allocation. Such a requirement would have been unduly burdensome given the characteristics of most Devonian shales.

Input from industry, staff, and the various affected jurisdictional agencies has led to the following conclusions: Shales characteristically emit a higher level of natural gamma radiation than the coarser materials in the stringers because of larger quantities of radioactive isotopes of potassium, thorium and uranium. The change in lithology from shale to some other associated sedimentary rock is gradual and seldom total, but stringers containing a lower percentage volume of shale generally have reduced natural gamma ray emission activities. The natural gamma ray emission can be recorded on a gamma ray log and the percentage volume of shale at any point can be roughly estimated from that log.

One commenter suggested using a "gamma ray index" (GR index) to calculate the percentage of shale by the following formula:

$$\text{GR index} = \frac{\text{Gamma Ray log} - \text{Gamma Ray clean sand}}{\text{Gamma Ray shale} - \text{Gamma Ray clean sand}}$$

While providing a reasonable estimate, this method would require that

a clean sand of the same depositional age be encountered by the well bore. This is an unusual occurrence. Since the industry generally accepts an interval composed of 60 to 70 percent shale as one requiring treatment as shale for purposes of permeability calculations, potential estimates, and completion techniques, the suggested method has been simplified to calculate a GR index as follows:

$$\text{GR index} = \frac{\text{Gamma Ray log}}{\text{Gamma Ray shale}}$$

While this is not a rigorous method, it does provide an estimate of the shale volume. The Commission has adopted this as an appropriate method for estimating shale content and considers natural gas from any Devonian age interval to be produced from Devonian shale if less than 5 percent of the gross Devonian age interval penetrated by the well bore has a GR index of less than 0.7

A gamma ray log is required from all wells drilled after October 31, 1979, for which a section 107(c)(4) determination is sought. The gamma ray log filing requirement contained in the interim rule has been amended to require that the shale base line and a line identifying 70 percent of the shale base line (GR index of 0.7) be superimposed over the Devonian section of the log.

If a gamma ray log is not available or cannot be reasonably obtained in wells drilled prior to November 1, 1979, a driller's log or a similar report which indicates the general characteristics and depths of the strata penetrated in the Devonian age depositions may be filed. In addition, the reporting requirements have been amended to require that the applicant demonstrate that the percent footage of the potentially disqualifying stringers does not exceed 5 percent of the gross Devonian age interval penetrated by the well bore.

3. *Occluded natural gas produced from coal seams.* The interim rule defined "occluded natural gas produced from coal seams" as follows:

§ 272.101(b) "*Occluded natural gas produced from coal seams*" means naturally occurring natural gas released from entrapment from the fractures, pores and bedding planes of coal seams.

Again, this definition was written to disqualify stringers and require allocation of production between the coal seams and the stringers. For the same reasons discussed with respect to gas produced from Devonian shale, commenters objected to such a restrictive definition.

The Commission notes that coal is different from shale in that coal usually

exists in distinct beds. It is easily distinguishable from other surrounding rock because there is a distinct lithologic change at the interface between the coal and the other surrounding rock. Moreover, the use of the term "occluded" in section 107(c)(3) of the NGPA indicates that the gas must be trapped in the coal seam to qualify. While allocation will be difficult, it is necessary to enforce applicable maximum lawful prices. Therefore, the Commission has decided to retain the interim rule's definition of coal seam gas as excluding stringers.

Additionally, one commenter pointed out that the filing requirements did not accommodate the special techniques used to remove gas from gaseous coal before mining the coal. Such techniques do not involve the drilling of wells. Instead, several "longholes" are drilled horizontally from larger shafts in the coal seam. The gas migrates from the coal to the longholes, to the larger shafts, and eventually to the surface through a vertical shaft. The process was developed to ensure mine safety in gaseous coal mines, but the gas can be collected and processed for marketing. The filing requirements have been amended to permit alternate filing requirements where the method of extracting the coal gas differs from the usual gas well, for example, as when longholes are drilled prior to mining the coal.

B. *Interim and Retroactive Collections*

Under the interim rule, the price for gas was deregulated only when the jurisdictional agency eligibility determination became final. Pending final determination, the gas continued to be subject to otherwise applicable maximum lawful prices. (Interim collection at the section 102 maximum lawful price was proposed for consideration and comment.) Once the determination became final, the parties to the sale could make retroactive price adjustments for deliveries which took place between November 1, 1979, or the date the application was filed, if later, and the time the determination became final if their contracts specifically permitted collection of such adjustments on a retroactive basis.

The commenters objected to the retroactive and interim collection provisions as well as the proposed interim collection provisions. Their objections were based on several arguments. First, they argued that the Commission's authority over gas described at section 107(c) (1) through (4) ceased as of November 1, 1979, and therefore the Commission cannot require that a final determination be

obtained before removing price controls. Second, they argued that since section 503 of the NGPA (15 U.S.C. 3413) directs the Commission to provide for interim collection of the maximum lawful price for which application is made, the price of deregulated gas should also be decontrolled during the period for interim collection.

Third, commenters argued that the interim collection provision will have a significant, adverse impact on producers since they could delay the receipt of needed revenues for several months. They claimed that the retroactive collection provision also did not satisfy producers' cash flow requirements during the interim. Some of the commenters claimed that the impact on producers would be significant enough to cause producers to delay production until the determination became final, whereas the impact on the consumer of permitting interim collection of deregulated prices would be insignificant. A few of the commenters suggested that, at least, deep, high-cost gas should be allowed the deregulated price under interim collection since it is easy to determine whether gas qualifies as deep, high-cost gas, and there is little risk that such an application would be denied.

Finally, commenters argued that the interim collection provisions require the filing of unnecessary applications. Since the interim collection provisions allowed only the interim collection of the otherwise applicable maximum lawful price, many applicants needed to submit applications for deregulation and for the otherwise applicable maximum lawful price.

The Commission does not agree that section 121 eliminates the Commission's duty to control the price paid for gas for which a final determination that the gas qualifies as deregulated high-cost gas has not been obtained. Section 121(b) eliminates price controls only with respect to "the first sale of high-cost natural gas"¹ described in section 107(c) (1) through (4). Section 107(c) defines high-cost natural gas so as to include only gas which has been "determined in accordance with section 503" to be within one of the listed categories.²

¹ Section 121(b) (15 U.S.C. 3331(b)) provides:

(b) High-Cost Natural Gas—Effective beginning on the effective date of the incremental pricing rule required under section 201, the provisions of subtitle A respecting the maximum lawful price for the first sale of natural gas shall cease to apply to the first sale of high-cost natural gas which is described in section 107(c) (1), (2), (3), or (4).

² Section 107(c) provides:

(c) Definition of High-Cost Natural Gas—For purposes of this section, the term "high-cost natural" Footnotes continued on next page

Hence gas is not high-cost gas, and is not deregulated, until a final determination has been obtained.

The Commission also disagrees with the comment that we should provide for interim collection of the deregulated price. Section 503(e)(2)(A) (15 U.S.C. 3413(e)(2)(A)),³ which sets out the general authority of the Commission to provide for interim collections, permits interim collection of the maximum lawful price for which application is made. Section 121(b) provides that the maximum lawful price provisions of the NGPA cease to apply to first sales of high-cost gas described in section 107(c) (1) through (4). From a strict literal reading of these sections, it would appear that interim collection of deregulated prices is not permitted. This is so because section 503(e)(2) permits interim collection of the applied for maximum lawful price, whereas under section 121(b) the applied for section 107(c) (1) through (4) price is a deregulated price, not a maximum lawful price. Such was the Commission's tentative conclusion in promulgating the interim rules. Upon reconsideration of the issue the Commission no longer believes that section 503(e) was intended to preclude the Commission from permitting any method or means of providing for interim collection of some price other than an otherwise applicable maximum lawful price. This position is supported by the language of section 503(e)(2)(A) which authorizes the Commission to provide a method or methods whereby a seller may make interim charges and collections of the maximum lawful price "for which a petition is filed for a determination under this section in any

case in which such price exceeds the appropriate maximum lawful price under section 109." Section 503(a)(1)(D) requires the filing of such petitions for determinations under section 107(c).

Presumably, Congress intended to allow interim collections whenever petitions for determinations are required by the NGPA in recognition of the delay resulting from the determination process in collecting the higher revenues generated from these first sales. There is no evidence that Congress specifically intended to single out section 107(c)(1) through (4) gas or to inhibit the exploration and development of high-cost natural gas reserves by creating a cash-flow problem which would not exist for any other category of natural gas for which a petition for determination must be filed under the NGPA. Indeed, it would have been anomalous for Congress to have provided for interim collections for all of the incentive prices except section 107 when Congress has specifically recognized the extraordinary economic risks and costs accompanying production of section 107 gas.

Having concluded that Congress did not intend to exclude section 107 gas from interim collection treatment, the Commission may, pursuant to its general rulemaking authority found in section 501(a) of the NGPA, fill in the gap left by Congress and establish interim collection procedures for section 107 gas.

There remains the question of what interim collection price should be established for section 107 gas. This problem is unique to section 107(c) (1) through (4) because such gas is deregulated, whereas other categories of gas eligible for interim collection are subject to the maximum price limitations found in subtitle A of the NGPA. Neither the statute nor the legislative history provide much guidance. However, section 501 gives the Commission authority in circumstances such as are presented here to fill in the interstices of the statute so long as this is done in a manner consistent with the overall statutory scheme of the NGPA.

The commenters argued that interim collection of a deregulated rate is necessary to guarantee commencement of production immediately after applications are filed and insisted that such a rate would have an insignificant impact upon consumers. The Commission does not accept these arguments and for the reasons discussed below has limited the price that may be collected during interim collection to the maximum lawful price specified in section 102 of the NGPA (relating to new natural gas and certain OCS gas).

The section 102 maximum lawful price is being adopted for interim collection in the final rule because that was the price adopted by Congress with respect to deep, high-cost gas prior to the date of deregulation.⁴ That price was applicable for approximately a year and was deemed adequate by Congress to encourage development of deep, high-cost gas during that year. Furthermore, the section 102 price represents the price which Congress found was necessary and adequate to provide an incentive for the development of new reserves of gas. Since retroactive collection of the deregulated price is permitted back to the date application was made, and in most cases the interim period between the date of filing an application and the date on which a determination becomes final have been shortened to a few months, interim collections of the section 102 price should be of minimal disadvantage to producers and at the same time should provide protection to purchasers in cases where the determinations are eventually negative. Although, as commenters suggested, the ultimate consumer of gas may not feel any significant impact of paying deregulated rates on an interim basis, such a provision would place first sale purchasers in jeopardy of paying deregulated prices for gas which is eventually determined not to qualify for deregulation. Although the amounts collected in such a case would be subject to refund, large amounts of money could be collected during the interim collection period and producers would have little incentive to pursue timely determinations. On balance, the Commission believes that limiting the price that may be collected during interim collections will limit the amount of money collected subject to refund without seriously disadvantaging producers. The retroactive collection provisions permit eventual full recovery of the deregulated price.

Finally, the adoption of a rule permitting interim collection of the section 102 price (as opposed to a prohibition of interim collections for deregulated gas) obviates the necessity of producers filing applications for determinations under more than one section of the NGPA in order to make interim collections for deregulated gas.

With respect to the retroactive collection provisions, the commenters objected to the provision that the contract must specifically permit retroactive collection. They claimed that producers had relied on the Commission's decisions in Order No. 23

⁴This category of gas was deregulated along with section 107(c) (2) through (4) on November 1, 1979.

Footnotes continued from last page gas" means natural gas determined in accordance with section 503 to be—

(1) produced from any well the surface drilling of which began on or after February 19, 1977, if such production is from a completion location which is located at a depth of more than 15,000 feet;

(2) produced from geopressured brine;

(3) occluded natural gas produced from coal seams;

(4) produced from Devonian shale; and

(5) produced under such other conditions as the Commission determines to present extraordinary risks or costs.

³Section 503(e)(2)(A) provides:

(2) Alternate Interim Collection Authority.

(A) General Rule—Promptly after the date of the enactment of this Act, the Commission shall, by rule or order, provide one or more methods under which a seller of natural gas may, in accordance with requirements established, for such period as may be prescribed, under such rule or order, charge and collect for any first sale of such natural gas the maximum lawful price under title I for which a petition is filed for a determination under this section in any case in which such price exceeds the appropriate maximum lawful price under section 109.

(44 FR 16895, March 20, 1979) to leave questions regarding sales contract interpretations to the parties to the contract. They argued that, based on that decision, many contracts do not specifically provide for retroactive collection. Commenters also pointed out that since the interim rule was issued only eight days before it was to become effective, even producers anticipating deregulation could not have prepared and filed determination applications in time to permit retroactive collections to November 1, 1979. They suggested that the Commission extend the period in which producers can file applications and collect retroactively for deliveries which have taken place since November 1, 1979.

The retroactive collection provisions regarding deregulated gas have been incorporated in and conformed to the retroactive collection provisions applicable to gas subject to maximum lawful prices in § 273.204. Since Order No. 23 adopted a policy favoring interpretation by the parties to the contract, the same policy will be applied with respect to deregulated gas. However retroactive payment may occur only with respect to deliveries made since the later of November 1, 1979, or the date the application is filed for a determination that the gas qualifies as deregulated gas, except that if an application for determination was filed on or before [60 days from the effective date of this rule], retroactive collection may be computed, charged and collected for first sales of deregulated natural gas delivered on or after November 1, 1979. The period between November 1, 1979, and [60 days from the effective date of this rule] is provided because the filing requirements in the interim rule were not published in time to permit parties to prepare and submit applications by the effective date of the rule, and thus rule changes the definition of some of the gas deregulated as of November 1, 1979.

C. Separate Pricing of Regulated and Deregulated Gas

Section 272.102(c) of the interim rule provided that:

(c) *Circumvention of maximum lawful prices.* No portion of the price paid for natural gas which qualifies under one of the categories of natural gas defined in § 272.102 may represent consideration for natural gas which is subject to a maximum lawful price under Part 271.

At page 11 of the memo (44 FR 61952) the preamble to the interim rule stated that the rule was intended to require "unbundling" of gas sales transactions so that regulated and unregulated transactions are separately priced." Commenters claimed that the intent of

the rule at § 272.102(c) was unclearly explained and implied, without so stating in the rule, that the price for decontrolled gas should be covered by a separate contract. They argued that separate contracts should not be required since the practice in the industry has been to include all gas from identified productive acreage in one sales contract even though the gas may be subject to different maximum lawful prices.

The Commission is concerned that situations may arise where prices paid for deregulated gas may be paid as consideration for the sale of gas subject to price regulation. The Commission does not intend to limit or question prices paid for deregulated high-cost gas. At the same time, we do not intend to permit circumvention of applicable maximum lawful prices and would consider sales in which part of the price paid for deregulated high-cost gas was paid as compensation for the sale of price-regulated gas to be circumventing applicable maximum lawful prices. To permit the Commission to detect and deter circumvention of maximum lawful prices when price-regulated gas is sold in association with price-deregulated gas, the Commission has required that all first sales of deregulated high-cost gas be separately billed. In addition all first sales of gas for which an application for a determination (that the gas qualifies as deregulated high-cost gas) has been filed but is still pending, must also be separately billed along with sales of gas which has been finally determined to be deregulated gas.

D. Pipeline and Affiliate Production

In the preamble to the interim rule the Commission requested comments on the proper way to treat pass-through in purchased gas adjustment clauses of the first sale acquisition costs of an interstate pipeline affiliate's production of deregulated gas.

We also requested comments on whether pipeline or affiliate production qualifying under section 107(c) (1) through (4) should qualify for the deregulated price if sold in a sale other than a first sale.

1. *Affiliate production.* As commenters noted, under § 270.203(c) ⁵ a sale by an affiliate of a pipeline or distributor qualifies as a first sale if such affiliate is not itself a pipeline or distributor and the Commission has not determined, on application, not to treat such sale as a first sale. Section 601(b)(1)(A) of the NGPA (15 U.S.C. 3431(b)(1)(A)) provides that any amount

paid in a first sale for the purchase of deregulated gas shall be deemed just and reasonable. Section 601(c)(2) (15 U.S.C. 3431(c)(2)) guarantees that an interstate pipeline may pass through such an amount unless the amount paid was excessive due to fraud or abuse. However, with respect to first sale purchases from an affiliate the pipeline may recover no more than "the amount paid in comparable first sales between persons not affiliated with such interstate pipeline." (Section 601(b)(1)(E), 15 U.S.C. 3431(b)(1)(E).)

To ensure that the Commission will be able to determine whether the purchased gas acquisition costs for affiliate production do not exceed the amount paid in comparable first sales between non-affiliated entities, we have amended § 154.38(d)(4)(ii) to require pipelines to designate purchases of deregulated high-cost gas from affiliated entities in their schedules of gas costs filed with the Commission. This burden is minimal and will permit the Commission to identify sales between affiliated entities and compare such prices with prices paid between non-affiliated entities.

2. *Non-first sale price for pipeline production.* Under § 270.203 (a) and (b) a sale of gas by a pipeline or distributor is not a first sale unless the sale is comprised exclusively of production by the pipeline or distributor or the sale is a mixed volume sale which would not be regulated pursuant to the Natural Gas Act (15 U.S.C. §§ 717-717w) or by a State agency empowered by State statute to establish, modify, or set aside the rate for such sale. Consequently very few sales of pipeline production qualify as first sales. Section 121 removes price controls only with respect to first sales.

In Docket No. RM80-6, ⁶ the Commission proposed a substantive rule in § 2.66a to extend (with exceptions pertaining to gas subject to cost of service rate treatment) NGPA maximum lawful prices to sales by pipelines and distributors which would not qualify as first sales. At this time no rule has been issued in Docket No. RM80-6. The question raised in the preamble to the interim deregulation rules regarding the price applicable to non-first sales of gas qualifying for deregulation was not addressed in the proposed rule in Docket No. RM80-6.

In answer to the inquiry in this docket, commenters insisted that the Commission has and should continue to permit pipeline producers to obtain the same price for gas that independent

⁵ See Order No. 58 (44 FR 66577, November 20, 1979).

⁶ See Notice of Proposed Rulemaking, 44 FR 66613, November 20, 1979.

producers obtain. They argued that the NGPA does not indicate that pipeline producers should be treated differently than independent producers. A few suggested that the Commission could impose a limitation on the non-first sale price for deregulated gas similar to that imposed on first sales between affiliated entities.

Others argued that the suggestion that a pipeline's passthrough of its own production could be subjected to a ceiling price was not consistent with statements made in the notice of proposed rulemaking in Docket No. RM80-6.

We agree with the recommendation of one commenter that decisions regarding sales of pipeline production that are not first sales should be made in the context of Docket No. RM80-6. All comments submitted in response to this rulemaking which addressed the issue of the price for non-first sales of pipeline production qualifying as deregulated gas will be considered in formulating the rule in Docket No. RM80-6.

III. Summary of Amendments

This rule adds a new § 270.207 to Subpart B of Part 270 precluding circumvention of ceiling prices where the price paid for deregulated high-cost gas represents consideration for the sale of natural gas not deregulated under Part 272. In connection with this requirement, separate billing has been required under § 272.105 for all deregulated high-cost gas and for all gas for which an application for a determination that the gas qualifies as deregulated high-cost gas has been filed, and is pending.

References to deep, high-cost gas have been moved to Part 372 from Subpart G of Part 271, which now relates to ceiling prices for gas established by the Commission as high-cost gas under section 107(c)(5).

The definition in Part 272 of "natural gas produced from geopressured brine" is substantially the same as in the interim rule, except that the dissolved solids need not consist of Sodium Chloride. The definition of "gas produced from Devonian shale" has been amended to include gas produced from Devonian age intervals if no less than 95 percent of the gross Devonian age interval penetrated by the well bore has a GR index of 0.7 or more.

Various sections in Part 273, relating to interim and retroactive collection, have been amended to permit interim collection of the section 102 maximum lawful price and retroactive collection of the deregulated price.

The filing requirements for gas produced from Devonian shale have

been amended to require a gamma ray log with super-imposed indications of the shale base line and a line representing a GR index of 0.7. The filing requirements also require the applicant to demonstrate that the percentage of the interval with a GR index of less than 0.7 is no greater than 5 percent of the gross Devonian interval.

The filing requirements for occluded natural gas produced from coal seams have been amended to accommodate various methods of producing the gas.

V. Effective Dates

The amendments contained in this rule, except for the provisions of §§ 272.103, 272.105 and 274.205, shall become effective immediately (April 22, 1980). The amendments to § 272.103 (concerning definitions) shall become effective immediately (April 22, 1980) with regard to jurisdictional agency determinations which have not yet become final under § 275.202 as of the day before the day of issuance of this rule (April 21, 1980). The amendments to § 274.205 (concerning the filing requirements) shall become effective immediately (April 22, 1980) with respect to all applications for which a jurisdictional agency has not yet made a determination, as described under § 274.102, or has made a negative determination that has not become final, as of the day before the date of issuance of this rule (April 21, 1980). In the case of negative determinations already received by the Commission for which the 45 day period under § 272.202(a) has not expired (or if applicable, the 120 day period under § 275.202(e)), we shall provide applicants the opportunity to supplement their applications in accordance with the amended regulations. In such cases we will remand the determinations to the jurisdictional agencies for their reconsideration. Section 272.105, requiring separate billing, shall become effective 30 days from the date of publication of this rule in the Federal Register (May 28, 1980) with respect to all monthly billing periods that began on or after 30 days from the date of publication of this rule.

Good cause exists to make the definitions, and interim and retroactive provisions effective immediately (April 22, 1980) because the amendments relieve previous restrictions. The other amendments, except for § 272.105, which is effective 30 days from the date of publication of this rule in the Federal Register (May 28, 1980), are technical and conforming amendments and shall also be made effective immediately (April 22, 1980).

(Natural Gas Policy Act of 1978, 15 U.S.C. §§ 3301-3432; Natural Gas Act as amended, 15 U.S.C. to § 712-717)

In consideration of the foregoing, Parts 154, 270, 271, 272, 273 and 274 of Chapter I, Title 18, Code of Federal Regulations, are amended, as set forth below, effective as set forth above. These amendments are issued as final regulations, except for §§ 271.701 and 273.204(a)(1)(ii), which will remain as interim rules until further notice.

By the Commission.
Kenneth F. Plumb,
Secretary.

1. Section 154.38 is amended in paragraph (d)(4)(ii) by inserting after the first sentence an additional sentence to read as follows:

PART 154—RATE SCHEDULES AND TARIFFS

§ 154.38 Composition of rate schedule.

* * * * *

(d) * * *

(4) * * *

(ii) * * * Any purchase of deregulated high-cost gas from affiliated producers shall be so identified in the schedules of gas costs. * * *

2. Section 270.101 is amended by revising paragraph (a) to read as follows:

PART 270—RULES GENERALLY APPLICABLE TO REGULATED SALES OF NATURAL GAS

§ 270.101 Application of ceiling prices to first sales of natural gas.

(a) *Maximum lawful price.* It is unlawful for any person to sell natural gas (other than deregulated high-cost gas) at a first sale price in excess of the highest maximum lawful price applicable to such gas under Part 271. No maximum lawful price applies to deregulated high-cost gas.

3. Section 270.101 is further amended by revising paragraph (c) to read as follows:

(c) *Maximum lawful prices requiring jurisdictional agency determinations.* Except to the extent that a seller is authorized to make interim collection under Part 273:

(1) Any maximum lawful price under any of the following subparts of Part 271 applies to a first sale of natural gas only if a determination by a jurisdictional agency that such gas qualifies under such subpart has become final in accordance with Parts 274 and 275:

(i) Subpart B (relating to new natural gas and certain OCS gas);

(ii) Subpart C (relating to new, onshore production well);

(iii) Subpart G (relating to high-cost natural gas); and
(iv) Subpart H (relating to stripper well natural gas).

(2) The price of gas is deregulated only if a determination by a jurisdictional agency that such gas qualifies under Part 272 has become final in accordance with Parts 274 and 275.

4. Section 270.102 is amended in paragraph (b) by inserting a new subparagraph (14) at the end thereof to read as follows:

§ 270.102 Definitions.

* * * * *

(b) *Subchapter H definitions.* * * *

(14) For the definition of "deregulated high-cost gas," see § 272.103(a).

5. Subpart B of Part 270 is amended in the Table of Contents by adding a new section at the end thereof entitled "§ 270.207 Sales of volumes of gas which include deregulated high-cost gas"; and by adding a new section in the text of the regulations to read as follows:

§ 270.207 Sales of volumes of gas which include deregulated high-cost gas.

No portion of the price paid for the first sale of deregulated high-cost gas, as defined in § 272.103, or gas for which an application that the gas qualifies as deregulated high-cost gas is pending, may represent consideration for the sale of natural gas which is not deregulated high-cost gas.

6. The Table of Contents of Subpart G of Part 271 is amended by deleting "Special rule for deep, high-cost gas" and inserting in lieu thereof "[Reserved]"

7. Section 271.701 is revised to read as follows:

PART 271—CEILING PRICES

§ 271.701 Applicability.

This subpart implements section 107(b) and (c)(5) of the NGPA and applies to the first sale of natural gas which a jurisdictional agency determines is new tight formation gas.

8. Section 271.702 is amended by deleting the text of paragraph (a) and inserting in lieu thereof "[Reserved]" so that paragraph (a) reads as follows:

§ 271.702 Maximum lawful prices.

(a) [Reserved]

9. Section 271.703 is amended by deleting the text of paragraph (a) and inserting in lieu thereof "[Reserved]" so that paragraph (a) reads as follows:

§ 271.703 Definitions. * * *

(a) [Reserved]

10. Section 271.704 is amended by deleting the title and the text in its

entirety and inserting in lieu thereof "[Reserved]" so that § 271.704 reads as follows:

§ 271.704 [Reserved]

11. Part 272 is revised to read as follows:

PART 272—DEREGULATED NATURAL GAS

Sec.

272.101 Applicability.

272.102 Price deregulation.

272.103 Definitions.

272.104 Special rule for deep, high-cost natural gas.

272.105 Separate billing.

Authority: This part is issued under the Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

§ 272.101 Applicability.

This part implements section 121(b) of the NGPA and applies to the first sale of natural gas which is deregulated high-cost gas.

§ 272.102 Price deregulation.

(a) No maximum lawful price applies to any first sale of deregulated high-cost gas.

(b) For special rules on:

(1) circumvention of maximum lawful prices, see § 270.207; and

(2) interim and retroactive collection, see §§ 273.202 (a)(2) and (d)(1)(i)(B), 273.203(a)(2) and 273.204(a)(2).

§ 272.103 Definitions.

(a) "Deregulated high-cost gas" means natural gas for which a jurisdictional agency determination has become final under Parts 274 and 275 that the gas qualifies as:

(1) deep, high-cost natural gas;

(2) gas produced from geopressured brine;

(3) occluded natural gas produced from coal seams; or

(4) gas produced from Devonian shale.

(b) "Deep, high-cost natural gas" is natural gas which is produced:

(1) from any well, the surface drilling of which began on or after February 19, 1977; and

(2) from a completion location which is located at a depth of more than 15,000 feet.

(c) "Natural gas produced from geopressured brine" is natural gas which is dissolved before initial production of the natural gas in subsurface brine aquifers with at least 10,000 parts of dissolved solids per million parts of water and with an initial reservoir geopressure gradient in excess

of 0.465 pounds per square inch for each vertical foot of depth.

(d) "Occluded natural gas produced from coal seams" means naturally occurring natural gas released from entrapment from the fractures, pores and bedding planes of coal seams.

(e) "Natural gas produced from Devonian shale" means natural gas produced from the fractures, micropores and bedding planes of shales deposited during the Paleozoic Devonian Period. "Shales deposited during the Paleozoic Devonian Period" means the gross Devonian age stratigraphic interval encountered by a well bore, at least 95 percent of which has a gamma ray index of 0.7 or greater. The gamma ray index at any point is to be calculated by dividing the gamma ray log value at that point by the gamma log value at the shale base line established over the entire Devonian age interval penetrated by the well bore.

§ 272.104 Special rule for deep, high-cost natural gas.

For purposes of determining the depth of a completion location under § 272.103(b) and section 107(c)(1) of the NGPA, measurement shall be the true vertical depth from the surface location to the highest perforation point in the completion location.

§ 272.105 Separate billing.

All first sales of deregulated high-cost gas, and gas for which an application that the gas qualifies as deregulated high-cost gas is pending, shall be billed separately from all other sales of gas.

12. Section 273.102 is amended in paragraph (a)(1) by inserting "a deregulated price under Part 272 or" between "collect" and "a maximum lawful price."

13. Section 273.202 is amended by revising paragraph (a) to read as follows:

PART 273—COLLECTION AUTHORITY; REFUNDS

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

(a) *General rule.* (1) If an application has been filed with the jurisdictional agency for a determination of eligibility under Subpart B, C, G, or H of Part 271 (relating to new natural gas and certain OCS natural gas, natural gas from new onshore production wells, regulated high-cost natural gas or stripper well natural gas), the price specified in § 273.201(a)(1) or the highest maximum lawful price which is specified in any of the subparts for which application is made may be charged and collected.

(2) If an application has been filed with the jurisdictional agency for a

determination of eligibility under Part 272 (relating to deregulated high-cost gas), the maximum lawful price which is specified for Subpart B of Part 271 (relating to new natural gas and certain OCS natural gas) may be charged pending the jurisdictional agency determination.

14. Section 273.202 is further amended in paragraph (d)(1)(i) to read as follows:

(d) *Filing requirements.*

(1) * * *

(i)(A) In the case of an application for a determination of eligibility under Subpart B, C, G, or H of Part 271, a statement under oath that he believes in good faith that such natural gas is eligible under the NGPA and this subchapter for a maximum lawful price not less than that to be collected; or

(B) In the case of an application for a determination of eligibility under Part 272, a statement under oath that he believes in good faith that such gas will qualify under the NGPA and this subchapter as deregulated high-cost gas;

15. Section 273.203 is amended by revising paragraph (a) to read as follows:

§ 273.203 Collection pending review of jurisdictional agency determination.

(a) *General rule.* (1) If the jurisdictional agency has determined in accordance with Part 274 that natural gas qualifies for a maximum lawful price under Subpart B, C, G, or H of Part 271, the seller may charge and collect such price during the period described in paragraph (b) of this section.

(2) If the jurisdictional agency has determined in accordance with Part 274 that natural gas qualifies under Part 272, the seller may charge and collect the maximum lawful price which is specified for Subpart B of Part 271 during the period described in paragraph (b) of this section.

16. Section 273.204 is amended in paragraph (a) to read as follows:

§ 273.204 Retroactive collection after final determination.

(a) *General rule.* Subject to the provisions of paragraphs (b) and (c) of this section:

(1) if an eligibility determination that first sales of natural gas from a well qualify for a maximum lawful price under Subpart B, C, G, or H of Part 271 has become final under Parts 274 and 275, and such maximum lawful price exceeds the price collected for deliveries of such natural gas for any period between the date of filing for the determination and the date on which the eligibility determination became final, then the seller may retroactively charge

and collect for such period the amount of such excess; except that:

(i) if the application for determination was filed before April 1, 1979, then the amount of such excess may be computed, charged, and collected for first sales of natural gas delivered after November 30, 1978; and

(ii) in the case of new tight formation gas (as defined in § 271.703(b)), the amount of such excess may be computed, charged, and collected for first sales of such natural gas delivered on or after July 16, 1979;

(2) if an eligibility determination that first sales of natural gas from a well are deregulated under Part 272 has become final under Parts 274 and 275, the seller may retroactively charge and collect for any period between the date of filing for the determination and the date on which the eligibility determination became final, the amount by which the price permitted under the sales contract exceeds the price collected during such period, except that if the application for determination was filed on or before June 23, 1980, then the amount of such excess may be computed, charged and collected for first sales of such natural gas delivered on or after November 1, 1979.

17. Section 273.302 is amended in paragraphs (f) and (g) by inserting ", at least," between "eligible for" and "the price collected"

18. Section 274.205 is amended by revising paragraphs (a), (b), (c) and (d) to read as follows:

PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

§ 274.205 High-cost natural gas.

(a) *Deep, high-cost natural gas.* A person seeking a determination for purposes of Part 272 that natural gas is deep, high-cost natural gas shall file an application with the jurisdictional agency which contains the following items:

(1) FERC Form No. 121;
(2) All well completion reports for the well for which a determination is sought;

(3) The log heading together with the relevant portion of the well log or well servicing company reports or such other information which will corroborate the depth of the completion location reported in the well completion report;

(4) Directional drilling surveys, if available;

(5) A statement by the applicant, under oath, that the surface drilling of the well for which the applicant seeks a determination began on or after February 19, 1977, that the well completion location is located at a true

vertical depth of more than 15,000 feet and that the applicant has no knowledge of any information not described in the application which is inconsistent with his conclusions; and

(6) If the jurisdictional agency so requires, certified copies of records relied on by the applicant, including copies of the agency's official files.

(b) *Natural gas produced from geopressured brine.* A person seeking a determination for purposes of Part 272 that natural gas is produced from geopressured brine shall file an application with the jurisdictional agency which contains the following items:

(1) FERC Form No. 121;
(2) The well completion report;
(3) A bottom-hole pressure test report and other information establishing the initial reservoir pressure gradient;

(4) Evidence to establish that, before production, the gas from the well was in solution in a brine aquifer with at least 10,000 parts of dissolved solids per million parts of water;

(5) A statement by the applicant, under oath, that the information establishing the initial reservoir geopressure gradient indicates a reservoir geopressure gradient in excess of 0.465 pounds, that the gas from the well was in solution in a brine aquifer with at least 10,000 parts of dissolved solids per million parts of water and that the applicant has no knowledge of any information not described in the application which is inconsistent with his conclusions; and

(6) If the jurisdictional agency so requires, certified copies of records relied upon by the applicant including copies of the agency's official files.

(c) *Occluded natural gas produced from coal seams.* A person seeking a determination for purposes of Part 272 that natural gas is occluded natural gas produced from coal seams shall file an application with the jurisdictional agency which contains the following items:

(1) FERC Form No. 121;
(2) The well completion report, if the gas is produced through a well bore, or a detailed description of the production process if the gas is not produced through a well bore;

(3) A radioactivity, electric or other log which will define the coal seams or, if such logs are not reasonably available, a detailed lithologic description of the gas-producing interval;

(4) Evidence to establish that the natural gas was produced from a coal seam;

(5) A statement by the applicant, under oath, that the gas was produced

from a coal seam and that the applicant has no knowledge of any information not described in the application which is inconsistent with his conclusion; and.

(6) If the jurisdictional agency so requires, certified copies of records relied upon by the applicant, including copies of the agency's official files.

(d) *Natural gas produced from Devonian shale.* A person seeking a determination for purposes of Part 272 that natural gas is produced from Devonian shale shall file an application with the jurisdictional agency which contains the following items:

(1) FERC Form No. 121;

(2) The well completion report;

(3)(i) For wells completed on or after November 1, 1979, a gamma ray log with superimposed indications of the shale base line and the gamma ray index of 0.7 over the Devonian age stratigraphic section penetrated by the well bore;

(ii) For wells completed before November 1, 1979:

(A) A gamma ray log, if reasonably available, with superimposed indications of the shale base line and the gamma ray index of 0.7 over the Devonian age stratigraphic section penetrated by the well bore; or

(B) If a gamma ray log is not reasonably available, a driller's log, or similar report, indicating the general characteristics of the strata penetrated and the corresponding depths at which they are encountered throughout the Devonian age stratigraphic section penetrated by the well bore;

(4) A sworn statement:

(i) Calculating the percentage of footage of the producing interval which is not Devonian shale as indicated by a Gamma ray index of less than 0.7 if a gamma ray log described in subparagraph (3)(i) or (3)(ii)(A) has been filed, or as indicated by the report described in subparagraph (3)(ii)(B);

(ii) Demonstrating that the percentage of potentially disqualifying non-shale footage is equal to or less than 5 percent of the gross Devonian age interval; and

(iii) That the applicant has no knowledge of any information not described in the application which is inconsistent with his conclusions;

(5) A reference to a standard stratigraphic chart or text establishing that the producing interval is a shale of Devonian age; and

(6) If the jurisdictional agency so requires, certified copies of the agency's official files.

[FR Doc. 80-13010 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Parts 271, 273 and 274

[Docket No. RM79-76]

High-Cost Natural Gas Produced From Tight Formations; Interim Rule; Extension of Time for Comment

April 11, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim rule; Notice of Extension of Time for Comment.

SUMMARY: On February 20, 1980, the Federal Energy Regulatory Commission issued a Notice of Interim Rule and Request for Further Comments. (High-Cost Natural Gas Produced from Tight Formations, 45 FR 13414; February 28, 1980.) This notice prescribed a comment period ending March 28, 1980. The comment period on this Interim Rule is hereby extended to May 15, 1980.

DATES: Comments due on or before May 15, 1980.

ADDRESS: File comments with: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE, Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., NE, Washington, D.C. 20426 (202) 357-8400.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12905 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 256

Off-Reservation Treaty Fishing: Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

AGENCY: Department of the Interior.

ACTION: Amended interim rule on which comment is solicited.

SUMMARY: This amended interim rule governs off-reservation treaty fishing under the Treaty of March 29, 1936, 7 Stat. 491 in ceded Michigan waters of Lake Superior, Lake Michigan, and Lake Huron, and in ceded connecting waters by members of the Bay Mills Indian Community, members of the Sault Ste. Marie Tribe of Chippewa Indians, and members of the Grand Traverse Band of Ottawa and Chippewa Indians. This amended interim rule amends the interim rule published on November 15, 1979, 44 FR 6679. The Secretary has determined that conservation of the

fishery resource and the necessity of maintaining law and order in the exploitation of that resource requires the amendment of the November 15, 1979 interim rule on an emergency basis. This amended interim rule is promulgated pursuant to the regulatory mechanism established in Subpart A of 25 CFR Part 256. This amended interim rule is promulgated on an emergency basis and is effective on the day of publication. Comments of this amended interim rule must be received on or before May 23, 1980.

DATES: Effective April 23, 1980, deadline for comments May 23, 1980.

ADDRESS: Send comments to Associate Solicitor for Indian Affairs, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robin A. Friedman, Attorney-Advisor, Department of the Interior, Division of Indian Affairs, 18th and C Streets, NW., Washington, D.C. 20240, (202) 343-8526.

SUPPLEMENTAL INFORMATION: The Department of the Interior is responsible for the supervision and management of Indian Affairs under 43 U.S.C. Section 1457 25 U.S.C. Sections 2, 9 and the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), including the protection and implementation of federally reserved treaty fishing rights. The Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians, and the Grand Traverse Band of Ottawa and Chippewa Indians have off-reservation fishery rights secured by the Treaty of March 28, 1836, 7 Stat. 491, as affirmed in *People v. LeBanc*, 399 Mich. 31, 248 N.W. 2d 199 (1976) and *United States v. Michigan*, 471 F. Supp. 192 (W.D. Mich. 1979). The fishery rights includes the right to take fish for commercial purposes in the Great Lakes and connecting waters ceded by the tribes in that treaty. This area includes the Michigan waters of Lake Superior east of Marquette, of Lake Michigan east of Escandada and north of the mouth of the Grand River, of Lake Huron north of Alpena, and the entire St. Mary's River system.

In May, 1979 the United States District Court ruled in *United States v. Michigan*, 471 F. Supp. 192, that the authority of the State of Michigan to regulate the exercise of treaty fishing rights had been preempted. This Department and the Bay Mills Indian Community and the Sault Ste. Marie Tribe then entered into a Memorandum of Understanding governing the regulation of treaty fishing. Under this Memorandum of Understanding, the tribes were to develop one joint comprehensive set of regulations

governing the fishing of their members. These regulations were to be developed in consultation with the U.S. Fish and Wildlife Service and the Michigan Department of Natural Resources. The Department assumed responsibility for reviewing and modifying the joint tribal regulations so that they met conservation needs and for publishing them as federal regulations if they did so.

The tribes developed their joint set of regulations as agreed. The Department then reviewed these regulations and incorporated, with the acquiescence of the tribes, several suggestions made by the State of Michigan. In addition, the Secretary determined that a closure of the Lower St. Mary's River to net fishing was necessary for conservation and accordingly, a closure of the Lower St. Mary's River was incorporated into the regulations pursuant to 25 CFR Part 256 Subpart A.

As so modified, the Department determined that the regulations met conservation needs, and the regulations were published as an interim rule on November 15, 1979, 44 FR 65747 to be effective on the day after publication. Comments on the rule were to be received by January 14, 1980. By notice published on February 6, 1980, 45 FR 8002, the Department extended the deadline for submission of comments to March 3, 1980 and scheduled, and subsequently held, public hearings on the interim rule on February 20 and 22, 1980 in Sault Ste. Marie and Lansing, Michigan.

After the regulations were published on November 15, 1979 and after public hearings were held the Grand Traverse Band of Ottawa and Chippewa Indians received federal recognition as an Indian tribe. The Band then signed and became a party to the Memorandum of Understanding. Due to the complex and technical nature of the issues presented and due to the great amount of written comments and public testimony engendered by the November 15, 1979 interim rule, the Department is not now able to publish final regulations governing off-reservation treaty fishing in the Great Lakes and connecting waters. The fishing season on the Great Lakes, however, is imminent and the Department has determined after consultation with the tribes and with the State of Michigan, and after review of the comments and testimony that it is imperative for the protection of the fishing resource and for the maintenance of law and order that the November 15, 1979 interim regulations be amended and, as amended, implemented immediately.

In the interests of promoting natural reproduction of the fish and with the agreement of the Tribes, these regulations close Grids 513, 514, 613 and 614 of the Lake Michigan Statistical District MM-3 to treaty fishing by any method and for any purpose provided that the State of Michigan also designates these areas as sanctuaries for those fishermen under its jurisdiction.

The regulations do not allow target fishing for lake trout but they do permit, subject to specified restrictions, the retention and sale of lake trout caught while target fishing for other species. The Tribes have agreed for the initial 30-day period following publication of these regulations to limit their total allowable catch of lake trout to the amount specified in Management Option 1 prepared by the Ad Hoc Technical Working Group consisting of federal, tribal, and state representatives. The total allowable catch specified in Option 1 is based upon the assumption that lake trout will be managed to secure natural reproduction.

Section 256.47(b) of the November 15, 1979 interim rule and 25 CFR 256.2 provide authority for the issuance of this amended interim rule. For the reasons discussed above, the Secretary has determined hereby and for good cause finds that formal advance notice, public comment procedures and delayed effectiveness procedures of 5 U.S.C. Section 553 are impracticable and contrary to the public interest. This rule is therefore effective immediately and will govern treaty fishing during the 1980 fishing season pending the preparation of final regulations.

The Department prepared an environmental assessment for the November 15, 1979 interim rule which concluded that the interim rule did not constitute major federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(3) of the National Environmental Policy Act of 1969. The Department has concluded that this amended rule does not substantially change the November 19, 1979 interim rule and the environmental assessment remains in effect.

The Department has also determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Comments from interested persons on this amended interim rule are invited and will be considered in determining whether any changes should be made. Interested persons wishing to participate should submit their comments to Associate Solicitor for

Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Comments received on or before June 27, 1980 will be considered.

The primary author of this document is—Hans Walker, Acting Associate Solicitor for Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Effective date: This rule takes effect on April 23, 1980.

Dated: April 24, 1980.

Cecil D. Andrus,
Secretary of the Interior.

Part 256 of Chapter I of Title 25 CFR is hereby amended by amending Subpart D.

Subpart D—Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

Sec.

- 256.40 Purpose of this subpart.
- 256.41 Definitions of terms.
- 256.42 Scope and application.
- 256.43 Jurisdiction and enforcement.
- 256.44 Identification.
- 256.45 Reports, inspection, and sampling.
- 256.46 Limitations on fishing activity.
- 256.47 Emergency regulations.
- 256.48 Other laws and regulations.
- 256.49 Forcible assault on enforcement officer.
- 256.50 Terms of regulations.

Authority: 25 U.S.C. 2, 9; 43 U.S.C. 1457; Reorganization Plan No. 3 of 1950 (64 Stat. 1262) Treaty of March 29, 1836 (7 Stat. 491); and 25 CFR, Subpart A.

Subpart D—Great Lakes and Connecting Waters in Michigan Ceded in Treaty of 1836

§ 256.40 Purpose of this subpart.

The purpose of these regulations is to assure conservation of the fish resources in the treated-ceded waters of the Upper Great Lakes in the State of Michigan for the continued use and enjoyment of Indian tribes regulated hereby and all other persons entitled to use the resources, and to prevent the deterioration thereof. These regulations were developed in fulfillment of a Memorandum of Understanding among the tribes and the Department of the Interior governing the regulation of treaty fishing activity. This subpart is promulgated pursuant to Subpart A and is subject to the provision contained therein.

§ 256.41 Definition of terms.

(a) "Secretary" means the Secretary of the Interior.

(b) "Treaty" means the Treaty of March 28, 1836 (7 Stat. 491).

(c) "Tribes" means the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa Indians and the

Grand Traverse Band of Ottawa and Chippewa Indians.

(d) "Ad Hoc Technical Working Group" means the interagency group comprised of one biologist each designated by the State of Michigan, the U.S. Fish and Wildlife Service and tribes to assemble data and issue reports on the status of fish stocks and projections of total allowable harvests in the waters in which the fishing activity of the tribes occurs or may occur.

(e) "Enforcement officer" means:

(1) Any enforcement agent of the Bureau of Indian Affairs, the U.S. Fish and Wildlife Service and any other person authorized by the Secretary to enforce the provisions of 25 CFR Part 258 Subpart A or D;

(2) Any tribal enforcement officer authorized by tribal law to enforce tribal conservation regulations.

(f) "Fishing activity" means fishing for, catching, taking, or attempting to fish, catch or take any species of fish from treaty waters, and includes all related activities which occur in or on the water, and in the process of loading or unloading fish nets, or related gear, in or from a boat.

(g) "Commercial fishing" means fishing activity engaged in for the purpose of sale or exchange of fish.

(h) "Statistical district" means statistical district as described in Great Lakes Fish Commission Technical Report 2, 1961.

(i) "Subsistence fishing" means fishing activity engaged in solely for personal and family use and not for sale or exchange.

(j) "River" means whose watercourses so designated in the U.S. Coast Pilot, Great Lakes Edition.

(k) "Interagency" means by, among, or between any two or more to the three parties referred to herein, namely, the Department of the Interior, the State of Michigan, and the Tribes.

(l) "Grid" means statistical grid, usually 10' x 10', as indicated on standard U.S. Lake Survey Charts (USEPO: 1973-761-578) and commonly employed by State, provincial, and Federal governments in reporting fishing statistics.

(m) "Target Fishing" means fishing activity for the purpose of catching or taking a specific species or several specific species of fish.

§ 256.42 Scope and application.

This subpart applies to all fishing activities of members of tribes in the waters of the Great Lakes and connecting waterways located within the State of Michigan and ceded in the treaty.

§ 256.43 Jurisdiction and enforcement.

(a) Jurisdiction to enforce these regulations on tribal members is vested in the tribal courts and Courts of Indian Offenses of the reservations of the tribes.

(b) Enforcement officers may enforce the regulations in this subpart and further, may exercise the existing enforcement power of the tribes under tribal law, as authorized by the tribes. The tribes will continue to accept and prosecute violations of tribal regulations by tribal members referred to them by the Michigan Department of Natural Resources or other law enforcement agencies.

(c) In accordance with the provision of 25 CFR 258.6, violations of these regulations may be punished by a fine not to exceed \$500, imprisonment of not to exceed six months, or both. In addition, the treaty fishing activity of the violator shall be suspended for not less than five days, and the court shall impound the treaty fishing identification card of the violator for the duration of the suspension. However, first offense penalties shall be at the discretion of the judge.

(d) Any enforcement officer as defined in § 256.41(e) (1) and (2) of these regulations, may detain for inspection and inspect any package, crate, box or other container, including its contents, and all accompanying documents or tags at any and all reasonable times.

(e) Any enforcement officer as defined in § 256.41(e)(1)(2) of these regulations may, without warrant, arrest any person committing in his presence or view, a violation of §§ 256.40 to 256.50 of this regulation issued herein and take such person immediately for examination or trial; may execute any or other process for enforcement of the provisions of §§ 256.40 to 256.50; and may with or without a warrant, as authorized by law, search any place.

(f) All fish, eggs or parts thereof taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported or imported contrary to the regulations contained in this subpart, shall be subject to seizure and civil *in rem* forfeiture to the tribe whose member violated the regulations.

(g) All traps, nets and other equipment, vessels, vehicles, and other means of transportation used to aid the taking, possessing, selling, purchasing, offering for sale or purchase, transporting, delivering, receiving, carrying, shipping, exporting or importing any fish, eggs or parts thereof in violation of the regulations contained in this subpart, shall be subject to

seizure and civil *in rem* forfeiture to the tribe whose member violated the regulations.

§ 256.44 Identification.

(a) Each member of a tribe engaged in treaty commercial fishing activity shall have in his possession at all times a tribal commercial fishing identification card or a tribal commercial fishing helpers card issued pursuant to 25 CFR 258.3.

(b) No member of a tribe shall allow a person who does not possess an identification card issued pursuant to paragraph (a) of this section to aid or assist such member while engaged in any treaty fishing activity.

(c) The identification card issued pursuant to paragraph (a) of this section shall be shown on demand to any enforcement officer.

(d) Each gang of nets used in a treaty commercial fishing activity shall be clearly marked with a buoy showing the identification card number of the user.

(e) Acceptance of the identification card by a tribal member implies acceptance of jurisdiction and enforcement of the regulations.

§ 256.45 Reports and sampling.

(a) Each person to whom a tribal treaty commercial fishing identification card has been issued shall file a report of their commercial fishing catch for each calendar month with the tribal chairperson not later than the 10th of the month following. This requirement is satisfied if the identification card holder who is in charge of a fishing vessel files a single report listing the names and identification card numbers of all helpers who worked on such vessel. The report shall be submitted on forms developed for that purpose by the tribes and approved by the Secretary and shall indicate, for each day of fishing activity, the kind and amount of gear fished, the species and amount landed, the location of fishing activity by grid number, and such other information as required for conservation and management purposes. A holder of a tribal commercial fishing identification card who does not fish during a month shall file a report of no fishing. Holders of tribal commercial fishing helpers cards will not be required to file monthly reports. All reports shall be submitted by the tribe to the Michigan Agency, Bureau of Indian Affairs by the 15th day of each month for the previous month's commercial fishing activities, and forwarded by that office without delay, in the original or legible copy thereof to the Director, Michigan Department of Natural Resources, and the Director,

Great Lakes Fishery Laboratory, U.S. Fish and Wildlife Service.

(b) Each tribe shall submit a monthly report of subsistence fishing by its members, listing the number of fish by species and statistical district. These reports shall be submitted to the Michigan Agency, Bureau of Indian Affairs by the 15th day of each month for the previous month's subsistence fishing and forwarded as required by § 256.45(a).

(c) Any catch is also subject to reasonable interagency biological sampling to obtain information required for conservation and management purposes. If such sampling impairs or destroys the market value of fish sampled, the reasonable value of the loss shall be reimbursed.

(d) Failure to submit an accurate, timely catch report as required in paragraph (a) of this section shall result in impoundment of the treaty commercial fishing identification card and suspension of the treaty fishing activity of the violator for not less than 5 days.

§ 256.46 Limitations on fishing activities.

(a) The following areas shall be closed to all commercial and subsistence treaty fishing with nets.

(1) Grand Traverse Bay, south of 45 degrees 00' N. lat.

(2) Little Traverse Bay of Lake Michigan, east of a line from Bayshore to the radio tower northeast of Seven Mile Point.

(b) The following area is closed to all treaty commercial fishing:

(1) Waters connecting Lakes Superior and Huron, to the International Boundary, including the St. Mary's River, east of a line drawn from Pointe aux Pins, Ontario, to Brush Point, Michigan, downstream, to De Tour Village, including all of Potagannissing Bay.

(c) The following areas are designated as sanctuaries, wherein the taking of any fish for any purpose by any method is prohibited until annual interagency surveys reveal that 50% of the total adult population of lake trout (6 year old and older), accumulating as the progeny of hatchery-produced trout being planted experimentally within these areas, consists of naturally reproduced individuals. The operative effect of this sanctuary provision is conditioned upon designation by the State of Michigan of the following areas as sanctuaries in which the taking of any fish for any purpose by non-treaty fishermen by any method is identically limited.

(1) Lake Michigan, Statistical District MM-3: Grds 513, 514, 613, and 614 (Fox Islands and S. Fox Island Shoal).

(d) Treaty fishing with gill nets and impounding nets is prohibited within a ½ mile radius of any river mouth.

(e) Commercial fishing with gill nets having meshes greater than 3 inches (stretched-mesh measure) shall be prohibited in treaty-ceded waters of Lakes Michigan, Huron, and Superior from November 1 to November 30, all dates inclusive.

(f) The following fish species shall not be retained or offered for sale when taken in commercial fishing gear but must be immediately returned to the water, lake sturgeon; brown, brook and rainbow (steelhead) trout; Atlantic chinook and coho salmon; largemouth and smallmouth bass; northern pike; muskellunge; and any species listed as threatened or endangered by the Secretary pursuant to the Endangered Species Act, 16 U.S.C. 1531 *et seq.*

(g) For the purpose of rebuilding or ensuring reasonable protection of spawning stocks, restrictions on the minimum size (length) of fish taken by licensed tribal commercial fishers from treaty-ceded waters shall apply as follows:

(1) All whitefish less than 17 inches long shall be returned to the water immediately.

(2) Size restrictions for other species shall be established as necessary by the emergency regulatory committee.

(h) The following commercial fishing gears shall be permitted subject to the indicated restrictions on their use:

(1) Gill nets 2½ through 3 inches (stretched-mesh measure), for bloater chub, yellow perch and round whitefish (Menominee), except that:

(i) In Lake Michigan, small-mesh gill nets shall not be fished at depths between (A) 10 fathoms and 30 fathoms from May 1 through July 31, and (B) 10 fathoms to 40 fathoms from August 1 through April 30.

(ii) In Lake Huron, small-mesh gill nets shall not be fished between 10 fathoms and 40 fathoms at any time of the year.

(iii) In Lake Superior, small-mesh gill nets shall not be fished between 10 fathoms and 50 fathoms at any time of the year.

(iv) In the ceded waters generally, small-mesh gill nets shall not be fished at any depth 10 fathoms or shallower in any calendar year prior to June 1.

(2) Gill nets 4½ inches or larger (stretched-mesh measure), except in those areas designated as lake trout sanctuaries in § 256.46(c).

(i) In Lake Michigan proper, north of a line drawn east and west through Good Hart, Michigan, and in Statistical District MM-1.

(ii) In Lake Huron, Statistical District MH-2.

(iii) In Lake Superior, all statistical districts.

(3) Gill nets 5½ inches or larger stretched-mesh except in those areas designated as lake trout sanctuaries in § 256.46(c).

(i) In Lake Michigan, south from a line drawn east to west through Good Hart, Michigan.

(4) Fixed impoundment gear (i.e., trap, pound, fyke, and hoop nets); seines; and trawls, in all treaty-ceded waters, except closed areas as described in § 256.46(a).

(i) The following subsistence fishing gears, subject to otherwise indicated restrictions on their use, shall be permitted in all treaty-ceded waters.

(1) Sport fishing gears, authorized by the State of Michigan;

(2) Spears;

(3) Single gill net not exceeding 200 feet in length, except that the tying together of single gill nets to form a gang of nets is prohibited;

(4) Other gears as authorized by the Secretary and the Tribes.

(j) Finally, in addition to applicable qualifications listed above, all fishing in treaty-ceded waters shall be restricted to that amount yielding no more than the total allowable catches (TACs) projected annually for each species and area designated by the Ad Hoc Technical Working Group as follows:

(1) For target fishing for lake whitefish and bloater chub, fishing shall be terminated for the remainder of the calendar year when continuous monitoring indicates that the TAC (or specified fraction thereof) for that year and designated area has been reached. For 1980, the provisional TACs of lake whitefish and bloater chub, as projected by the Ad Hoc Technical Working Group for stocks in the ceded waters, are:

Lake and District	Annual total allowable catch (in thousands of pounds)	
	Lake Whitefish	Bloater Chub
Michigan (North of 45° 00' N. lat.):		
MM-1	960	(*)
MM-2	65	110
MM-3 ¹	1,400	255
MM-4 ¹	(*)	(*)
MM-5 ¹	(*)	30
Subtotal	2,425	395
Michigan (South of 45° 00' N. lat.):		
MM-4	(*)	(*)
MM-5	(*)	45
MM-6	(*)	215
MM-7 ¹	(*)	345
Total	2,425	1,000

Lake and District	Annual total allowable catch (in thousands of pounds)	
	Lake Whitefish	Bloater Chub
Huron:		
MH-1 ¹	550	0
MH-2 ²	85	0
Total.....	635	0
Superior:		
MS-3E ⁴	30	140
MS-4.....	115	1200
MS-5.....	25	130
MS-6.....	300	115
Total.....	470	285

¹For Intradistrict TACs, refer to Fourth Report of the Ad Hoc Technical Working Group, 1980.

²That part (60%) north of 45° 00' N. lat.

³That part (40%) north of 45° 00' N. lat.

⁴That part within the treaty-ceded area.

⁵No quota set. (Does not mean closure.)

(2)(i) Due to the current condition of the stocks target fishing for lake trout is prohibited. Lake trout incidentally taken in commercial fishing gear during target fishing for other species may be retained and sold. If the catch of lake trout in any net lift shall exceed 20 percent of the total catch by weight, the individual making the lift shall not set nets in the same grid area for a period of ten days.

(ii) Retention of incidental lake trout catch shall no longer be allowed for the remainder of the calendar year when continuous monitoring indicates that the TAC (or specified fraction thereof) for lake trout stocks in ceded waters for that year and designated area has been reached. For the period 30 days hence the Tribes and the Secretary have agreed to Management Option I, proposed by the Ad Hoc Technical Working Group. Thereafter and for the remainder of calendar year 1980 the Tribes and the Secretary have agreed to Management Option 2, unless the State of Michigan, the Tribes and the Secretary agree to some other Management Option.

For 1980, the provisional TACs of lake trout, as projected under the two management options by the Ad Hoc Technical Working Group for stocks in the ceded waters, are:

Lake and District	Annual total allowable catch (in thousands of pounds)	
	Management Option 1 ¹	Management Options 2 ²
Michigan (North of 45°00' N. lat.):		
MM-1.....	104	235
MM-2.....	(³)	(³)
MM-3.....	152	345
MM-4 ⁴	76	172
MM-5 ⁵	19	43
Subtotal.....	351	795
Michigan (South of 45°00' N. lat.):		
MM-4.....	51	115
MM-5.....	29	65

Lake and District	Annual total allowable catch (in thousands of pounds)	
	Management Option 1 ¹	Management Options 2 ²
Huron:		
MM-6.....	60	136
MM-7 ³	59	133
Total.....	550	1,244
Superior:		
MH-1.....	0	17
MH-2 ⁴	43	108
Total.....	43	123
Superior:		
MS-3E ⁴	51	146
MS-4.....	109	314
MS-5.....	28	81
MS-6.....	3	10
Total.....	191	551

¹Recruitment to fishery at 21"; 50% set-aside for stock enhancement.

²Recruitment to fishery at 21"; no set-aside for enhancement—stocks wholly replenished by hatchery fish.

³That part (60%) north of 45°00' N. lat.

⁴That part (40%) north of 45°00' N. lat.

⁵That part within the treaty-ceded area.

⁶No quota set. (Does not mean closure.)

(3) Treaty fishing with gill nets of 4-1/2 inch or larger mesh (stretched-mesh measure) is prohibited in any area closed to fishing for lake whitefish in accordance with § 256.46(j)(1). Likewise, treaty fishing with gill nets of 3-inch or smaller mesh (stretched-mesh measure) is prohibited in waters deeper than 10 fathoms in any area closed to fishing for bloater chub in accordance with § 256.46(j)(1).

(4) For other commercial species, about which adequate technical information has not yet accumulated (e.g., walleye, Menominee, and yellow perch), fishing shall be limited to those amounts, as determined by the Ad Hoc Technical Working Group, whose withdrawal would not be expected to impair the productivity of the resources involved.

(5) For all species, TACS shall be subject to mid-season adjustments as may prove necessary, and shall be apportioned with reasonable uniformity throughout the season (say, no more than one-half by July 1) so that fishing activity may continue unimpeded.

§ 256.47 Emergency regulations.

(a) There is hereby established a Joint Emergency Regulatory Committee comprised of three members of each tribe. The membership of the committee shall include the tribal chairpersons, the chairpersons of the tribal conservation committees, and one licensed commercial fisher from each tribe selected by the other two members from the respective tribes. This group shall select a chairperson from within its membership who shall retain the right to vote on all matters. The Committee, on the affirmative vote of five members

thereof, may adopt emergency regulations binding on the fishers from both tribes in the following circumstances.

(1) When treaty fishing activity in any State statistical district has exceeded 50 percent of the allowable catch as determined by the Ad Hoc Technical Working Group, the Committee may limit or close the area to treaty fishing, require additional catch reporting or monitoring of catch, or take other steps, as the situation may warrant.

(2) If the State of Michigan closes any area to all nontreaty fishing activity the Committee shall examine the reasons for such closure and may close that area or otherwise limit tribal fishing.

(3) If credible information is received indicating that tribal fishing activity may be harvesting fish that exceed the tolerance levels for contaminants set by the Food and Drug Administration, the Committee may take action to assure that the fish are pre-tested before being marketed or may close that portion of the fishing activity which might otherwise bring contaminated fish into the market.

(4) If requested by the Secretary to act in response to any other emergency situation the Committee may promulgate appropriate regulations as required.

(b) The Area Director of the Bureau of Indian Affairs in Minneapolis, Minnesota, is authorized to make emergency changes in these regulations, including closures and restrictions or the relaxation thereof, to meet conditions not foreseen at the time these regulations were issued or when in-season adjustments or closures are necessary for conservation purposes. The tribes shall be consulted before promulgation of emergency regulations, and the Joint Emergency Regulatory Committee shall participate in developing emergency changes to the regulations where practicable. Differences over in-season regulatory adjustments shall be resolved by the tribal chairpersons and the Field Solicitor, Twin Cities, Minnesota. However, such referral shall not be cause for delay in promulgation of in-season regulatory adjustments should such adjustments be required on an emergency basis to meet conservation needs. Emergency regulations are effective upon their issuance or according to their terms and remain effective until modified or rescinded by the Area Director or terminated by their terms.

§ 256.48 Other laws and regulations.

Nothing in this subpart shall be deemed to:

(a) Authorize or accomplish any of the actions set forth in 25 CFR 256.7(a) through (f);

(b) Deprive a tribe of the power to promulgate separate and different tribal regulations on fishery related matters where for conservation purposes there is no reason for uniformity: *Provided*, That such regulations are consistent herewith;

(c) Deprive a tribe of the power to promulgate separate and different regulations of fishing activity which are more restrictive than these joint regulations and consistent herewith;

(d) Authorize any State court to exercise jurisdiction which it does not otherwise possess.

§ 256.49 Forcible assault on enforcement officer.

No person engaged in fishing activity under this subpart shall assault, resist, oppose, impede, intimidate, or interfere with an enforcement officer engaged in enforcing this subpart.

§ 256.50 Term of regulations.

The regulations in this subpart take effect on April 23, 1980 and expire on January 1, 1981.

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FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1440

Arbitration of Pesticide Data Disputes

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Interim Final Regulations.

SUMMARY: The Federal Insecticide, Fungicide & Rodenticide Act (hereinafter "FIFRA") provides for the appointment of arbitrators by the Federal Mediation and Conciliation Service (hereinafter "FMCS" or "the Service") if the parties to a dispute regarding either compensation for the use or joint development of pesticide data cannot reach an agreement. FIFRA provides that the procedure and rules of the Service shall be applicable to such arbitration proceedings. (Pub. L. 95-396, Sept. 30, 1978, Sections 3(c)(1)(D)(ii) and 3(c)(2)(B)(iii)).

The interim rule establishes the procedure by which the Federal Mediation and Conciliation Service will appoint arbitrators to assist pesticide producers in the resolution of disputes over the value of technical data concerning the properties and effects of pesticides or joint development of such data. For this purpose, the Service will

utilize as its roster of arbitrators the roster of commercial arbitrators maintained by the American Arbitration Association ("AAA"), a non-profit private organization with long experience in commercial dispute resolution. The FIFRA arbitration rules of the AAA will be the rules of procedure to be followed for arbitration of pesticide data compensation disputes.

DATES: This regulation becomes effective May 28, 1980. All submissions received on or before July 1, 1980 will be considered prior to publication of the final regulations.

ADDRESS: Interested parties are invited to submit written comments concerning the interim regulations to the Office of General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427.

FOR FURTHER INFORMATION CONTACT: Nancy B. Broff, Assistant General Counsel, 2100 K Street, N.W., Washington, D.C. 20427, (202) 653-5305.

SUPPLEMENTARY INFORMATION: This rule will provide a mechanism for the binding resolution of certain disputes that may arise between persons who have attained or are seeking government authorization to produce and sell pesticides. Rules promulgated by the Environmental Protection Agency ("EPA") at 40 CFR 162.9-1 through -.8 (see 40 FR 28242, July 3, 1975 and 44 FR 27932 May 11, 1979) described the circumstances in which one pesticide producer either may or must base an application for licensing of a pesticide upon information previously submitted to EPA. Use of said data gives rise to an obligation under § 3(c)(1)(D)(ii) of the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA") on the part of the applicant to pay compensation to the submitter of the information. Under § 3(c)(2)(B)(iii), disputes concerning joint development of data to satisfy EPA data requirements are also subject to compulsory arbitration.

The role of the FMCS is limited to the appointment of arbitrators to resolve compensation disputes. The duties and obligations of EPA and the parties to the dispute are specified in the rules cited above and are explained in considerable detail in the preambles. Therefore, interested persons are urged to read and understand the EPA rulemaking and contact EPA concerning those matters not addressed in the following rule.

Background

Congress has demonstrated its belief that the costs of generating information to evaluate pesticide risks be equitably apportioned among registrants of pesticide products. In Section 3(c)(1)(D)

of the 1972 FIFRA, Congress authorized the Administrator of EPA to consider data submitted by firm A (other than "trade secret" data) when evaluating an application from firm B so long as firm B offered to pay "reasonable compensation" to A. The 1972 Act provided that the Administrator would fix the amount of compensation if the applicant and submitter could not agree on an amount.

In 1973, EPA implemented the compensation provision of FIFRA with an Interim Policy Statement. This policy did not require direct communication of an offer from firm B to firm A. Rather, it permitted firm A to claim compensation from B or the basis of a general notice in the Federal Register that B's application had been granted. If the parties could not agree on an amount of compensation, they could offer evidence concerning the reasonableness of the amount sought or offered in a hearing before an Administrative Law Judge, who would decide the sum. The situation became complicated in 1975, when EPA eliminated the practice of granting registration based on "established use patterns." Applicants were now required to identify data submitted by prior registrants on which they intended to rely and to advise the Agency that they had offered compensation to the original submitter. The response of many prior registrants to such offers was to advise EPA that the data on which applicants intended to rely were "trade secret," and therefore not subject to licensing. In other cases, because of poorly organized files at EPA, applicants experienced difficulty in identifying appropriate data to support registrations, or applicants were unwilling to extend offers to pay an unspecified amount of compensation.

Because of concern that FIFRA's complex provisions and EPA's difficulties in implementing them were affecting the viability of the pesticide industry, Congress directed EPA to conduct an evaluation and report its findings (H.R. 94-1105). A report, entitled *FIFRA: Impact on the Industry*, was subsequently submitted to Congress on March 7, 1977. Almost simultaneously EPA requested that Congress enact major changes to the pesticide statute.

On April 27, 1977, EPA Administrator Costle testified on behalf of an Administration proposal to amend FIFRA. He recommended the deletion of the "trade secret" exclusion for the Act's mandatory data licensing scheme. He also observed that EPA felt uncomfortable as the judge of data valuation disputes and asked Congress

to provide guidance by specifying the factors to be considered when making valuations.

In response, the Senate and the House passed bills providing for final and binding arbitration of compensation disputes by arbitrators appointed by FMCS. Neither S. 1678 nor H.R. 8681 specified a formula or other guidance on the valuation of data for compensation purposes. The Conference Committee substantially modified the provisions of each bill which pertained to data available for compensation, the duration of the compensable period and sanctions for failure to negotiate or arbitrate compensation disputes. Provisions were incorporated to permit any party to a compensation dispute of a specified duration to "initiate binding arbitration by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by (the) Service.

Section 3(c)(1)(D)(ii) of FIFRA, as amended by the Federal Pesticide Act of 1978, provides in pertinent part:

"(ii) except as otherwise provided in subparagraph (D)(i) of this paragraph, with respect to data submitted after December 31, 1969, by an applicant or registrant to support an application for registration, experimental use permit, or amendment adding a new use to an existing registration, to support or maintain in effect an existing registration, or for reregistration, the Administrator may, without the permission of the original data submitter, consider any such item of data in support of an application by any other person (hereinafter in this subparagraph referred to as the "applicant") within the fifteen-year period following the date the data were originally submitted only if the applicant has made an offer to compensate the original data submitter and submitted such offer to the Administrator accompanied by evidence of delivery to the original data submitter of the offer. The terms and amount of compensation may be fixed by agreement between the original data submitter and the applicant, or, failing such agreement, binding arbitration under this subparagraph. If, at the end of ninety days after the date of delivery to the original data submitter of the offer to compensate, the original data submitter and the applicant have neither agreed on the amount and terms of compensation nor on a procedure for reaching an agreement on the amount and terms of compensation, either person may initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint an arbitrator from the roster of arbitrators maintained by such Service. The procedure and rules of the Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings, and the findings and determination of the arbitrator shall be final and conclusive, and no official or court of the United States shall have power or jurisdiction to review any such findings and determination, except for fraud,

misrepresentation, or other misconduct by one of the parties to the arbitration or the arbitrator where there is a verified complaint with supporting affidavits attesting to specific instances of such fraud, misrepresentation, or other misconduct. The parties to the arbitration shall share equally in the payment on the fees expenses of the arbitrator."

Section 3(c)(2)(B)(iii) contains similar provisions for disputes arising during joint development of data. In addition, the parties to any dispute may choose to submit their dispute voluntarily to arbitration. In such case, the parties may go directly to AAA for appointment of an arbitrator.

The role of the FMCS is relatively minor within the context of the pesticide registration program as indicated by FIFRA and the limited legislative history which is available. According to the statute, the duties of the Service under FIFRA are to:

(1) Designate a person to arbitrate a compensation dispute, when requested.

(2) Maintain a roster of persons qualified and available to conduct the arbitration proceedings.

(3) Adopt rules of procedure to be followed in the conduct of compensation arbitration.

The Federal Mediation and Conciliation Service rarely arranges or conducts arbitration of commercial disputes. The Service is in the business of helping to resolve labor disputes between employers and representative of their employees. Among various means to further that purpose, FMCS maintains a roster of names of private labor arbitrators who do not handle commercial disputes such as the compensation disputes arising under FIFRA.

Therefore, in the Notice of Proposed Rulemaking (44 FR 43293, July 24, 1979) the Service proposed to adopt and use the Commercial Arbitration Roster of the American Arbitration Association (AAA) as its roster and to adopt the AAA's rules of commercial arbitration as its rules of procedure for disputes arising under FIFRA.

The Notice of Proposed Rulemaking was published in the Federal Register on July 24, 1979 for a 60-day period of public comment. Five thousand copies of the proposed regulations were mailed to interested parties. The comment period was reopened to allow further comment. (44 FR 65407 November 13, 1979). All comments received have been carefully considered.

After reviewing the commercial comments, FMCS has decided that its proposed to use the AAA arbitration roster is the most effective and efficient means to satisfy the Service's responsibilities under FIFRA.

The final FIFRA Arbitration Rules have been substantially modified from the proposed procedural rules based on numerous comments received. All issues were raised and addressed by the proposed regulation. However, in order to allow interested parties a further chance to comment, while providing a mechanism for resolving current disputes, this regulation is being promulgated as an interim rule.

Comments were submitted on a number of issues, including changes required in the AAA commercial rules to bring them into compliance with FIFRA. A discussion of the major issues and the comments follows.

1. Should the AAA commercial arbitration roster be used as the FMCS roster of arbitrators for FIFRA disputes? Although several commenters stated their belief that the entire system of arbitration as required by FIFRA is unconstitutional, the majority of commenters did not specifically oppose the use of the AAA commercial arbitration roster. Several commenters supported the idea.

In order to provide a roster of experienced and impartial commercial arbitrators without excessive delay or cost, FMCS has decided to adopt as its roster of FIFRA arbitrators the AAA commercial arbitration roster. If for any reason this system proves to be unworkable, FMCS retains the right to make direct appointments of arbitrators under these rules until a new system of appointment is in place.

2. Should arbitrators on the FIFRA roster be trained in pesticide development and data compensation issues?

Several commenters expressed concern that commercial arbitrators might not have sufficient background information and training to understand and adjudicate the issues of pesticide data compensation cases. However, the commenters seemed to prefer the idea of training commercial arbitrators in pesticide data issues rather than the more expensive alternative of training pesticide experts to be arbitrators.

Because of the difficult nature of these cases, FMCS, AAA, EPA have discussed the desirability of a training program for FIFRA arbitrators. The possibility of scheduling a training seminar is currently being explored.

3. To what extent should arbitration awards be published? Although commenters generally thought that awards should be published to provide precedents for the benefit of both arbitrators and parties to disputes, there was substantial concern that confidential data and trade secrets be protected. Awards normally will be

published. However, prior to publication, each party will have the opportunity to review the award and request that confidential information which would be exempt from disclosure under the Freedom of Information Act, 5 USC § 552, be deleted.

4. What rules should be changed to bring the AAA commercial arbitration rules into compliance with FIFRA? The following rule changes were suggested in the comments:

(a) The proposed rule should be modified to provide standards for the admission of new claims. FMCS has decided that the decision to admit new claims is most properly handled as part of the arbitration process and that it is neither practical nor necessary to provide substantive standards.

(b) The rules should reflect the preference for appointing arbitrators who have attended a training program. The final rules state the procedure for appointment of arbitrators, including submission of panels to the parties with the right to strike unacceptable names.

It is the practice of the AAA to provide panels of expert neutrals. If there is an insufficient number of qualified arbitrators to handle FIFRA cases, AAA will provide the necessary arbitrator training programs.

(c) The proposed rule should be modified to indicate which party presents its case first. The final rule has been modified to provide that in the absence of agreement by the parties, the claimant shall present its case first.

(d) The proposed rule should provide standards for determining relevance and materiality of evidence. The role of FMCS in the FIFRA scheme is to provide arbitrators to hear FIFRA compensation disputes and procedural rules under which the arbitration will occur. FMCS does not propose to promulgate substantive standards for the arbitration of FIFRA disputes. Indeed, review of the statute, legislative history and background of the data compensation problem illustrates the difficulty of establishing a comprehensive set of substantive standards. The statutory scheme of FIFRA provides that the arbitrators will determine the standards on a case-by-case basis, and prior decisions may be used for guidance in further disputes.

(f) The proposed rule should be modified to provide that costs are shared equally. FIFRA provides that the costs of arbitration shall be shared equally, and this rule has been modified to reflect that requirement.

(g) The proposed rule should be modified to provide that FMCS rather than AAA shall interpret the rules. Because FMCS has the ultimate

responsibility for providing rules for the arbitration of FIFRA disputes, FMCS should ultimately be responsible for interpreting those rules. The rule has been modified to provide that AAA may make an initial determination, with a right of appeal to FMCS. When an appeal on such a question of interpretation occurs, FMCS shall make a prompt ruling.

5. Should the rule provide for the arbitrator to certify a party's "bad faith" to EPA? Under FIFRA, the Administrator of EPA can impose sanctions for a party's "failure to participate in an arbitration proceeding" or "failure to comply with an arbitration decision." EPA is required to define "bad faith" and to determine when that standard has been breached.

It is primarily the responsibility of the parties to report any allegations of "bad faith" to EPA, and the rule does not require the arbitrator to do so. There are sanctions under these rules available to the arbitrator for handling procedural problems arising during arbitration.

6. Should FMCS or AAA make vacancy and disqualification determinations under the rules? Because statutory responsibility for appointing arbitrators is vested in FMCS, determinations on disqualification and vacancy determinations made by AAA may be appealed to FMCS.

7. How shall confidential financial and commercial data be protected, and to what extent shall discovery be allowed?

A number of commenters expressed concern that confidential financial and commercial data should be protected. On the other hand, in order to allow a fair determination of the value of the data, some discovery of confidential information will be necessary.

A number of approaches are possible, including the issuance of a protective order by the arbitrator and agreement of the parties as to specific representatives who may have access to the data and the uses to which the data may be put. The "bad faith" determination by EPA could provide sanctions for failure to abide by a protective order or failure to reach or abide by a reasonable agreement. Rather than attempt to provide a general rule for discovery and protection of data, FMCS will leave this decision to the discretion of the arbitrator on a case-by-case basis. The rules provide the arbitrators such authority.

This interim rule is issued under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act, Public Law 95-396 September 30, 1978, Sections 3(c)(1)(D)(ii) and 3(c)(2)(B)(iii).

Federal Mediation and Conciliation adds Part 1440 to Title 29 of the "Code of Federal Regulations" as set forth below.

Dated: April 21, 1980,
Robert P. Gajdys,
Director of Administration.

A new Part 1440 is added to 29 CFR as follows:

PART 1440—ARBITRATION OF PESTICIDE DATA DISPUTES

§ 1440.1 Arbitration of Pesticide Disputes.

(a) Persons requesting the appointment of an arbitrator under Section 3(c)(1)(D)(ii) and Section 3(c)(2)(B)(iii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, as amended), shall send such requests in writing to the appropriate American Arbitration Association Regional Office. Such requests must include the names, addresses, and telephone numbers of the parties to the dispute; issue(s) in dispute, the amount in dollars or any other remedy sought; sufficient facts to show that the statutory waiting period has passed, and the appropriate fee provided in the Fee Schedule.

(b) For the purpose of compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (hereinafter "the Act"), the roster of arbitrators maintained by the Federal Mediation and Conciliation Service shall be the roster of commercial arbitrators maintained by the American Arbitration Association. Under this Act, arbitrators will be appointed from that roster. The fees of the American Arbitration Association shall apply, and the procedure and rules of the Federal Mediation and Conciliation Service, applicable to arbitration proceedings under the Act, shall be the FIFRA arbitration rules of the American Arbitration Association, which are set forth in the Appendix to this section.

Appendix

FIFRA Arbitration Rules

Section 1. These rules shall apply as published in the Federal Register unless modified by FMCS.

Sec. 2. *Definitions*—For the purpose of these Rules of Procedure the terms are defined as follows:

(1) "AAA" means the American Arbitration Association.

(2) "Act" or "FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 *et seq.*

(3) "EPA" means the United States Environmental Protection Agency.

(4) "Arbitrator(s)" means the person or persons appointed to the tribunal

constituted by the parties for the settlement of their dispute under these Rules.

(5) "Claimant" means a person asserting a claim for compensation under these Rules or filing a claim concerning joint development of data.

(6) "Compulsory arbitration" means arbitration invoked under the mandatory provisions of section 3(c)(1)(d) or 3(c)(2)(B)(iii) of the Act.

(7) "Voluntary arbitration" means arbitration voluntarily agreed to by the parties to settle a dispute under section 3(c)(1)(d) or 3(c)(2)(B)(iii) of the Act.

(8) "Director" means Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, or any officer or employee of the EPA to whom authority has been or may hereafter be lawfully delegated to act in his stead.

(9) "Administrator" means the AAA, its Tribunal Administrators or such officers or committees as the AAA may direct.

(10) "Roster" means the Commercial Arbitration Roster of AAA.

(11) "FMCS" or "Service" means the Federal Mediation and Conciliation Service.

(12) "Party" means claimant or respondent.

(13) "Person" means any individual, partnership, association, corporation, or any organized group of persons, whether incorporated or not.

(14) "Respondent" means the person against whom a claim is made under section 3(c)(1)(d) or 3(c)(2)(B)(iii) of the Act.

Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

Sec. 3 Initiation of Arbitration.

(a) *Under compulsory procedures of FIFRA:* Upon the request of a party qualified under FIFRA § 3(c)(1)(D) or 3(c)(2)(B)(iii) for the appointment of an arbitrator, the Service will appoint an arbitrator in accordance with 29 CFR § 1440(a) and these rules. Requests shall be submitted in writing to the appropriate AAA Regional Office and must include the names, addresses and telephone numbers of the parties to the dispute; issues in dispute; the amount in dollars or any other remedy sought; sufficient facts to show that the statutory waiting period has passed; and the appropriate fee as provided in the Fee Schedule.

AAA shall give notice of filing of a request for arbitration to the other party. If he so desires, the party upon whom the demand for arbitration is made may file an answering statement in duplicate with AAA within seven days after notice, in which event he shall

simultaneously send a copy of his answer to the other party. If a monetary claim is made in the answer the appropriate fee provided in the Fee Schedule shall be forwarded with the answer. If no answer is filed within the stated time, it will be assumed that the claim is denied. Failure to file an answer shall not operate to delay the arbitration.

(b) *Under a Voluntary Submission—* Parties to any existing dispute may commence an arbitration under these Rules by filing at any AAA Regional Office two (2) copies of a written agreement to arbitrate under these Rules (Submission), signed by the parties. It shall contain a statement of the matter in dispute, the amount of money involved, if any, and the remedy sought, together with the appropriate administrative fee as provided in the Fee Schedule.

Section 4. *Fixing of Locale—* The parties may mutually agree on the locale where the arbitration is to be held. If the locale is not designated within seven days from the date of filing the Demand or Submission the AAA shall have power to determine the locale. Its decision shall be final and binding. If any party requests that the hearing be held in a specific locale and the other party files no objection thereto within seven days after notice of the request, the locale shall be the one requested.

Section 5. *Qualification of Arbitrator—* Any Arbitrator appointed pursuant to these rules shall be neutral, subject to disqualification for the reasons specified in Section 11. If the agreement of the parties names an Arbitrator or specifies any other method of appointing an Arbitrator, or if the parties specifically agree in writing, such Arbitrator shall not be subject to disqualification for said reasons.

Section 6. *Appointment from Panel—* If the parties have not appointed an Arbitrator and have not provided any other method of appointment, the Arbitrator shall be appointed in the following manner. Immediately after the filing of the Request or Submission, the AAA shall submit simultaneously to each party to the dispute an identical list of names of persons chosen from the Panel. Each party to the dispute shall have seven days from the mailing date in which to cross off any names to which he objects, number the remaining names indicating the order of his preference, and return the list to the AAA. If a party does not return the list within the time specified, all persons named therein shall be deemed acceptable. From among the persons who have been approved on both lists, and in accordance with the designated

order of mutual preference, the AAA shall invite the acceptance of an Arbitrator to serve, and the Service shall appoint the Arbitrator. If the parties fail to agree upon any of the persons named, or if acceptable Arbitrators are unable to act, or if for any other reason the appointment cannot be made from the submitted lists, the FMCS shall have the power to make the appointment from other members of the Panel without the submission of any additional lists.

Section 7. *Direct Appointment by Parties—* If the agreement of the parties to a Submission names an Arbitrator or specifies a method of appointment of an Arbitrator, that designation or method shall be followed. The notice of appointment, with name and address of such Arbitrator, shall be filed with the AAA by the appointing party. Upon the request of any such appointing party, the AAA shall submit a list of members from the Panel from which the party may, if he so desires, make the appointment.

If the agreement specifies a period of time within which an Arbitrator shall be appointed, and any party fails to make such appointment within that period, the AAA shall make the appointment.

Section 8. *Appointment of Neutral Arbitrator by Party Appointed Arbitrators—* If the parties have appointed their Arbitrators or if either or both of them have been appointed as provided in Section 7, and have authorized such Arbitrators to appoint a neutral Arbitrator within a specified time and no appointment is made within such time or any agreed extension thereof, the FMCS shall appoint a neutral Arbitrator who shall act as Chairman.

If no period of time is specified for appointment of the neutral Arbitrator and the parties do not make the appointment within seven days from the date of the appointment of the last party-appointed Arbitrator, the FMCS shall appoint such neutral Arbitrator, who shall act as Chairman.

If the parties have agreed that their Arbitrators shall appoint the neutral Arbitrator from the Panel, the AAA shall furnish to the party-appointed Arbitrators, in the manner prescribed in Section 6, a list selected from the Panel, and the appointment of the neutral Arbitrator shall be made as prescribed in such Section.

Section 9. *Number of Arbitrators—* If the arbitration agreement does not specify the number of Arbitrators, the dispute shall be heard and determined by one Arbitrator, unless the AAA in its discretion, directs that a greater number of Arbitrators be appointed.

Section 10—Notice to Arbitrator of His or Her Appointment—Notice of the appointment of the neutral Arbitrator, whether appointed by the parties, by the AAA or FMCS shall be mailed to the Arbitrator, together with a copy of these Rules, and the signed acceptance of the Arbitrator shall be filed with AAA prior to the opening of the first hearing.

Section 11—Disclosure and Challenge Procedure—A person appointed as neutral Arbitrator shall disclose to the AAA any circumstances likely to affect his or her impartiality, including any bias or any financial or personal interest in the result of the arbitration or any past or present relationship with the parties or their counsel. Upon receipt of such information from such Arbitrator or other source, the AAA shall communicate such information to the parties, and, if it deems it appropriate to do so, to the Arbitrator. Thereafter, the AAA shall make a determination whether the Arbitrator should be disqualified. The determination, however, may be appealed to FMCS. The decision of FMCS shall be conclusive.

Section 12—Vacancies—If any Arbitrator should resign, die, withdraw, refuse, be disqualified, or be unable to perform the duties of his office, AAA may, on proof satisfactory to it, declare the office vacant. Either party to a compulsory arbitration may request the FMCS to review a declaration of disqualification. Vacancies shall be filled in accordance with the applicable provision of these Rules and the matter shall be reheard unless the parties shall agree otherwise.

Section 13—Commencement of Proceeding. (a) Within 60 days from receipt by the parties of notice of the appointment of an arbitrator, the claimant shall file with AAA:

(1) If appropriate, a detailed statement as to the amount of compensation claimed, the method of computing said amount, and terms of payment, and a list of the test data deemed to be compensable, together with a detailed justification therefor.

(2) A certification as to: (i) whether any court or tribunal has made determinations for payment by any other persons to claimant for use of the same test data and, if so, identification of the persons against whom the 3(c)(2)(B) determinations were issued and the application for registration for which the test data was used; and (ii) whether any other claims against any persons are pending in arbitration or in any court for use of the same test data and, if so, an identification of the persons against whom the claims are pending and the applications for

registration on which the claims are being made.

(3) A detailed statement of the matter in dispute under 3(c)(2)(B).

(b) Within 60 days of service of the documents referred to in subsection (a) the respondent shall file a detailed statement of its position as to the amount of compensation due, method of computation, terms of payment, and list of data deemed to be compensable together with a detailed justification therefor or a detailed statement of the dispute under 3(c)(2)(5). To the extent any portion of the claimant's statement of its claim is not denied or challenged by respondent, it shall be deemed admitted.

(c) After respondent's statement is filed, the arbitrator may, upon request by a party, request the Director to supplement the file with additional information, including copies of relevant test data, information contained in a relevant registration file, a statement as to data requirements for registration, or any other information which the arbitrator deems to be relevant. Upon request by a party or other interested person, the arbitrator shall order protective measures to safeguard and restrict access to confidential business information.

Section 14—Filing and Service. (a) All documents or papers required or authorized to be filed, shall be filed with the AAA for transmittal to the arbitrator, except as otherwise herein provided, and shall bear the caption of the case and the docket number. At the same time that a party files documents or papers with the AAA, the party shall serve upon all other parties copies thereof, with a certificate of service on or attached to each document or paper, including those filed with the arbitrator. If a party is represented by counsel or other representative, service shall be made on such representative. Service may be made personally or by regular mail, and if made by mail shall be deemed complete on mailing. If filing is accomplished by mail addressed to the AAA, filing shall be deemed timely if the papers are postmarked on the due date.

(b) All orders, decisions, or other documents made or signed by the arbitrator shall be served immediately upon all parties.

Section 15—Time. (a) In computing any period of time prescribed or allowed by these rules, except as otherwise provided, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays and legal holidays shall be included in computing the time allowed for the filing of any

document or paper, except that when such time expires on a Saturday, Sunday, or legal holiday, such period shall be extended to include the next following business day.

(b) When by these rules or by order of the arbitrators, an act is required or allowed to be done at or within a specified time, the arbitrator or AAA for cause shown may at any time in their discretion (1) with or without motion or notice, order the period enlarged if request therefor, which may be made *ex parte*, is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) on motion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect or other good cause.

Section 16—Communication with Arbitrator and Serving of Notices. (a) There shall be no communication between the parties and a neutral Arbitrator other than at oral hearings. Any other oral or written communications from the parties to the Arbitrator shall be directed to the AAA for transmittal to the Arbitrator.

(b) Each party to an agreement which provides for arbitration under these Rules shall be deemed to have consented that any papers, notices or process necessary or proper for the initiation or continuation of an arbitration under these Rules and for any court action in connection therewith or for the entry of judgment on any award made thereunder may be served upon such party by mail addressed to such party or his attorney at his last known address or by personal service, within or without the state wherein the arbitration is to be held (whether such party be within or without the United States of America), provided that reasonable opportunity to be heard with regard thereto has been granted such party.

Section 17—Time of Award—The award shall be made promptly by the Arbitrator and, unless otherwise agreed by the parties, or specified by law, no later than thirty days from the date of closing the hearings, or if oral hearings have been waived, from the date of transmitting the final statements and proofs to the Arbitrator.

Section 18—Appearances. (a) Parties may appear in person or by counsel or other representative. Persons who appear as counsel or in a representative capacity must conform to the standards of ethical conduct required of practitioners before the courts of the United States.

(b) Any party to the proceeding who, after being duly notified and without

good cause being shown fails to appear at a prehearing conference or fails to respond to correspondence, shall be deemed to have waived his rights with respect thereto and shall be subject to such orders or determinations with respect thereto as the arbitrator shall make. The failure of a party to appear at a hearing shall constitute a waiver of the right to present evidence at such hearing. Where either party fails to appear at a hearing, the arbitrator shall require the presentation by the present party of such evidence as he deems necessary to prepare a decision in conformity with the requirements of the Act.

(c) Any person having a direct interest in the arbitration is entitled to attend hearings. The Arbitrator shall otherwise have the power to require the exclusion of any witness, other than a party or other essential person, during the testimony of any other witness. It shall be discretionary with the Arbitrator to determine the propriety of the attendance of any other person.

Section 19—Consolidation and Severance. (a) The AAA may, with agreement of all parties, consolidate any matters at issue in two or more proceedings docketed under these Rules of Procedure where there exist common parties, common questions of fact and law, and where such consolidation would expedite or simplify consideration of the issues. Consolidation may also be effected where separate claims for use of the same test data are made against different respondents. The arbitrator who presides over the consolidated proceeding shall be chosen in accordance with section 3, *supra*.

(b) The arbitrator may, by motion or *sua sponte*, for good cause shown order any proceeding severed with respect to some or all parties or issues.

Section 20—Protection of Confidential Information. (a) The arbitrator shall make such orders as required to protect the secrecy of confidential information or documents such as review *in camera*.

(b) The arbitrator shall impose a sanction against any party who violates an order issued under this section. Such sanction may include an award against the offending party.

Section 21—Scheduling of Hearing. (a) After consideration of the convenience of the parties, the AAA shall serve upon the parties a notice of hearing setting a time and place for such hearing.

(b) Except for good cause shown, no request for postponement of a hearing will be granted. Such request must be received in writing at least a day in advance of the time set for the hearing.

In case of postponement, the hearing shall be rescheduled for a date as early as circumstances will permit.

Section 22—Optional Accelerated Procedure. (a) In claims involving \$25,000 or less, the parties may elect, prior to commencement of hearing, to have the claim processed under an expedited procedure. If no specific amount of claim is stated, a case will be considered to fall within this rule if the amount which the claimant represents in writing that it could recover as a result of any arbitrator's decision favorable to it does not exceed \$25,000. Upon such election, a case shall then be processed under this rule unless the respondent objects and shows good cause why the substantive nature of the dispute requires processing under the regular procedures. In cases proceeding under this rule, the parties have waived discovery and briefs.

(b) The arbitrator shall schedule the dispute for hearing within thirty (30) days of service of notice to the parties that the dispute will be governed by this accelerated procedure, unless either party requests that the case be submitted without hearing under Section 19.

(c) Written decision by the arbitrators in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The arbitrator shall render such decisions promptly, but in no event later than thirty days after the dispute is ready for decision.

Section 23—Discovery. (a) Either party may move for permission to serve written interrogatories and requests for production of documents upon the opposing party. The arbitrator shall grant such motion to the extent that such interrogatories and requests are designed to produce relevant evidence and only upon such terms as the arbitrator in his or her discretion considers to be consistent with the objective of securing a just and inexpensive determination of the dispute without unnecessary delay.

(b) Upon motion by either party, the arbitrator may order a deposition upon a showing of good cause and a finding that the deposition is designed to secure relevant and probative evidence which (1) cannot be obtained by alternative means, or (2) may otherwise not be preserved for presentation at hearing.

(c) If a party fails to comply with an order issued under this section, the arbitrator shall draw inferences adverse to that party in connection with the facts sought to be discovered.

(d) At least thirty days prior to the hearing, each party shall make available to each other party the names of the

expert and other witnesses it intends to call, together with a detailed summary of their expected testimony, and copies of all documents and exhibits which the party intends to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion by a party for good cause shown.

Section 24—Prehearing Conference. (a) When it appears that such procedure will expedite the proceeding, the arbitrator at any time prior to the commencement of the hearing may request the parties and their counsel or other representative to appear at a conference before him or her to consider:

(i) The possibility of settlement of the case;

(ii) The simplification of issues and stipulation of facts not in dispute;

(iii) The necessity or desirability of amending or supplementing documents in the record;

(iv) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;

(v) The limitation of the number of expert or other witnesses;

(vi) The setting of a time and place for the hearing, giving consideration to the convenience of all parties and to the public interest; and

(vii) Any other matters as may expedite the disposition of the proceeding.

(b) No transcript of any prehearing conference shall be made unless ordered upon motion of a party or *sua sponte* by the arbitrator. In the absence of a transcript, the arbitrator shall prepare and file a report of the action taken at such conference. Such report shall incorporate any written stipulations or agreements made by the parties, all rulings upon matters considered at such conference, and appropriate orders containing directions to the parties. Such report shall, as appropriate, direct the subsequent course of the proceeding, unless modified by the arbitrators on motion or *sua sponte*.

Section 25—Evidence. (a) The arbitrator shall admit all evidence which is relevant, competent, material, not privileged, and not unduly repetitious. The weight to be given evidence shall be determined by its reliability and probative value.

(b) Except as otherwise provided in these Rules of Procedure or by the arbitrator, witnesses shall be examined orally, under oath or affirmation. Parties shall have the right to cross-examine a witness who appears at the hearing.

provided that such cross-examination is not unduly repetitious.

(c) Except where the arbitrator finds it impracticable, an original and two copies of each exhibit shall be filed at the time the exhibit is offered into evidence and a copy shall be furnished to each party. A true copy of an exhibit may be substituted for the original.

(d) Official notice may be taken of any matter judicially noticed in the Federal courts. The parties shall be given adequate opportunity to show that such facts are erroneously noticed.

Section 26—Order of Proceedings. (a) Hearing shall be opened by the filing of the oath of the arbitrator, and by the recording of the place, time and date of the hearing, the presence of the arbitrator, parties, and counsel.

(b) The arbitrator may, at the beginning of the hearing, ask for statements clarifying the issues involved. The claimant shall then present his claim and proofs and his witnesses. The respondent shall then present his response and proofs and his witnesses. The arbitrator may in his discretion vary this procedure but he or she shall afford full and equal opportunity to all parties for the presentation of any material or relevant proofs.

Section 28—Burden of Presentation; Burden of Persuasion. The claimant shall have the burden of going forward to establish his entitlement to an amount of compensation that respondent should pay for use of the test data relied upon. Each matter of controversy shall be decided by the arbitrator upon a preponderance of the evidence.

Section 29—Stenographic Record. Any party may request a stenographic record by making arrangements for same through the AAA. If such transcript is agreed by the parties to be, or in appropriate cases determined by the Arbitrator to be, the official record of the proceeding, it must be made available to the Arbitrator, and to the other party for inspection, at a time and place determined by the Arbitrator. The total cost of such a record shall be shared equally by those parties that order copies.

Section 30—Filing of Briefs, Proposed Findings of Fact and Conclusions of Law, and Proposed Order. Unless otherwise ordered by the arbitrator, each party may within thirty days after delivery of the transcript of a hearing to the arbitrator as provided in Section 29, file with AAA and serve upon all other parties a brief together with references to relevant exhibits and the record. Within fifteen days thereafter each party may file a reply brief concerning matters contained in the opposing brief.

Oral argument may be had at the discretion of the arbitrator.

Section 31—Closing of Hearings. The Arbitrator shall inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the Arbitrator shall declare the hearings closed and the time and date shall be recorded. If briefs or other documents are to be filed, the hearings shall be declared closed as of the final date set by the Arbitrator for filing with the AAA. The time limit within which the Arbitrator is required to make the award shall commence to run, in the absence of other agreement by the parties, upon the closing of the hearings.

Section 32—Arbitrators' Decision. (a) The arbitrator shall as soon as practicable after the filing of briefs evaluate the record and prepare and file a decision. The decision shall contain findings of fact and conclusions regarding all issues in dispute as well as reasons therefor.

(b) The decision shall contain a determination as to the compensation, if any respondent must pay to claimant, or other remedy as appropriate, the method of payment, and may fix such other terms and conditions as may be reasonable under the circumstances, including the furnishing of a bond or other guarantee of payment by the respondent to the claimant.

Section 33—Reopening of Hearings. (a) The hearings may be reopened by the Arbitrator on his or her own motion, or upon application of a party at any time before the award is made. If the reopening of the hearings would prevent the making of the award within the specific time agreed upon by the parties in the contract out of which the controversy has arisen, the matter may not be reopened, unless the parties agree upon the extension of such time limit. When no specific date is fixed, the Arbitrator may reopen the hearings, and the Arbitrator shall have thirty days from the closing of the reopened hearings within which to make an award.

(b) A motion to reopen a hearing to take further evidence, to rehear or reargue any matter related to such proceeding, or to reconsider the arbitrator's decision, must be made by motion in writing to the arbitrator in accordance with these Rules of Procedure. Every such motion must state the specific grounds upon which relief is sought.

(c) A motion to reopen a hearing for the purpose of taking further evidence may be filed at any time prior to the issuance of the arbitrator's decision. Such motion shall state briefly the

nature and purpose of the evidence to be adduced, shall show that such evidence is not cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(d) Motions to modify the arbitrator's decision shall be filed within 30 days after the date of service of the decision. Such motion must state specifically one of the following grounds for modification:

1. there was a miscalculation of figures or a mistake in the description of any person, thing or property referred to in the award; or

2. the arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted; or

3. the award is imperfect in a matter of form, not affecting the merits of the controversy.

Section 34—Award upon Settlement. If the parties settle their dispute during the course of the arbitration, the Arbitrator, upon their request, may set forth the terms of the agreed settlement in an award.

Section 35—Delivery of Award to Parties. Parties shall accept as legal delivery of the award the placing of the award or a true copy thereof in the mail by the AAA, addressed to such party at his last known address or to his attorney, or personal service of the award, or the filing of the award in any manner which may be prescribed by law.

Section 36—Release of Documents for Judicial Proceedings. The AAA shall, upon the written request of a party, furnish to such party, at his or her expense, certified facsimiles of any papers in the AAA's possession that may be required in judicial proceedings relating to the arbitration.

Section 37—Application to Court. (a) No judicial proceedings by a party relating to the subject matter of the arbitration shall be deemed a waiver of the party's right to arbitrate.

(b) Neither the AAA nor FMCS is a necessary party in judicial proceedings relating to the arbitration.

(c) Parties to these Rules shall be deemed to have consented that judgment upon the arbitration award may be entered in any Federal or State Court having jurisdiction thereof.

Section 38—Administrative Fees. As a nonprofit organization, the AAA shall prescribe an administrative fee schedule and a refund schedule to compensate it for the cost of providing administrative services. The schedule in effect at the time of filing or the time of refund shall be applicable.

The administrative fees shall be advanced by the initiating party or parties, subject to final appointment by the Arbitrator in his award.

When a matter is withdrawn or settled, the refund shall be made in accordance with the refund schedule.

The AAA, in the event of extreme hardship on the part of any party, may defer or reduce the administrative fee.

Section 39—Fee when Oral Hearings are Waived—Where all oral hearings are waived the Administrative Fee Schedule shall apply.

Section 40—Expenses—The expenses of witnesses for either side shall be paid by the party producing such witnesses.

The cost of the stenographic record, if any is made, and all transcripts thereof, shall be prorated equally among all parties ordering copies unless they shall otherwise agree and shall be paid for by the responsible parties directly to the reporting agency.

All other expenses of the arbitration, including required traveling and other expenses of the Arbitrator and of AAA representatives, and the expenses of any witness or the cost of any proofs produced at the direct request of the Arbitrator, shall be borne equally by the parties.

Section 41—Arbitrator's Fee—Any arrangement for the compensation of a neutral Arbitrator shall be made through the AAA and not directly by him or her with the parties. Where parties can not agree, AAA shall fix reasonable compensation.

Section 42—Deposits—The AAA may require the parties to deposit in advance such sums of money as it deems necessary to defray the expense of the arbitration, including the Arbitrator's fee, if any, and shall render an accounting to the parties and return any unexpended balance.

Section 43—Interpretation and Application of Rules—The Arbitrator shall interpret and apply these Rules insofar as they relate to his or her powers and duties. When there is more than one Arbitrator and a difference arises among them concerning the meaning or application of any such Rules, it shall be decided by a majority vote. If that is unobtainable, either an Arbitrator or a party may refer the question to the AAA for decision. All other Rules shall be interpreted and applied by the AAA. Either party may request that FMCS review any decision of AAA on interpretation or application of these rules.

Administrative Fee Schedule

The administrative fee of the AAA is based upon the amount of each claim and counterclaim as disclosed when the

claim and counterclaim are filed, and is due and payable at the time of filing.

Amount of claim	Fee
Up to \$25,000	\$500.
\$25,000 to \$100,000	\$600, plus 1 pct of excess over \$25,000.
\$100,000 to \$200,000	\$1,350, plus ½ pct of excess over \$100,000.
\$200,000 to \$5,000,000	\$1,850, plus ¼ pct of excess over \$200,000.

Where the claim or counter claim exceeds \$5 million, an appropriate fee will be determined by the AAA.

When no amount can be stated at the time of filing, the administrative fee is \$500, subject to adjustment in accordance with the above schedule as soon as an amount can be disclosed.

If there are more than two parties represented in the arbitration, an additional 10% of the initiating fee will be due for each additional represented party.

Other Service Charges—\$50.00 payable by a party causing an adjournment of any scheduled hearing; \$100 payable by a party causing a second or additional adjournment of any scheduled hearing.

\$25.00 payable by each party for each hearing after the first hearing which is either clerked by the AAA or held in a hearing room provided by the AAA.

Refund Schedule—If the AAA is notified that a case has been settled or withdrawn before a list of Arbitrators has been sent out, all the fees in excess of \$500 will be refunded.

If the AAA is notified that a case has been settled or withdrawn thereafter but before the due date for the return of the first list, two-thirds of the fee in excess of \$500.00 will be refunded.

If the AAA is notified that a case is settled or withdrawn thereafter but at least 48 hours before the date and time set for the first hearing, one-half of the fee in excess of \$500 will be refunded.

Regional Directors

Atlanta (30303), India Johnson—100

Peachtree Street, N.W.

Boston (02108), Richard M. Reilly—294

Washington Street.

Charlotte (28218), John A. Ramsey—3235

Eastway Drive, P.O. Box 18591.

Chicago (60601), Charles H. Bridge, Jr.—180

N. La Salle Street.

Cincinnati (45202), Philip S. Thompson—2308

Carew Tower.

Cleveland (44114), Earle C. Brown—215

Euclid Avenue.

Dallas (75201), Helmut O. Wolff—1607 Main Street.

Detroit (48226), Mary A. Bedikian—1234 City National Bank Building.

Garden City, N.Y. (11530), Ellen Maltz-

Brown—585 Stewart Avenue.

Hartford (06103), J. Robert Haskell—37 Lewis Street.

Los Angeles (90020), Jerrold L. Murase—443 Shatto Place.

Miami (33129), Joseph A. Fiorillo—2250 S.W. 3rd Avenue.

Minneapolis (55402), Patricia A. Levin—1001 Foshay Tower.

New Brunswick, N.J. (08901), Richard

Naimark—96 Bayard Street.

New York (10020), Robert E. Meade—140

West 51st Street.

Philadelphia (19102), Arthur R. Mehr—1520

Locust Street.

Phoenix (85004), Paul A. Newnham—222

North Central Avenue.

Pittsburgh (15222), John F. Schano—221

Gateway Four.

San Diego (92101), John E. Scrivner—530

Broadway.

San Francisco (94104), Charles A. Cooper—

690 Market Street.

Seattle (98104), Neal M. Blacker—810 Third

Avenue.

Syracuse (13203), Deborah A. Brown—731

James Street.

Washington (20036), Garylee Cox—1730

Rhode Island Avenue, N.W.

White Plains, N.Y. (10601), John R. Dacey—34

South Broadway.

[FR Doc. 80-13096 Filed 4-25-80; 8:45 am]

BILLING CODE 6732-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1476-6]

Approval and Promulgation of Implementation Plans; Florida: 18-Month Extensions, Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction in final rule.

SUMMARY: In Federal Register document 80-760, appearing at pages 2032-2034 of the issue of January 10, 1980 make the following correction. In the first action, granting 18-month extensions to Florida, the number of the section added should be 52.532 rather than 52.527 and the section should be headed "§ 52.532. Extensions."

FOR FURTHER INFORMATION CONTACT:

Archie Lee, Air Programs Branch, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30308, 404/881-3286 (FTS 257-3286).

(Section 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: April 17, 1980.

John A. Little,

Acting Regional Administrator.

[FR Doc. 80-12901 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

**GENERAL SERVICES
ADMINISTRATION****41 CFR Part 101-43**

[FPMR Amdt. H-120]

**Condition Coding System for
Reporting Excess Personal Property****AGENCY:** General Services
Administration.**ACTION:** Final rule.

SUMMARY: This regulation implements a General Accounting Office recommendation that a single Government-wide condition coding system applicable to the reporting of excess personal property be developed. This change is necessary to replace the current two-position alpha-numeric disposal condition codes with new one-position numeric disposal condition codes that are compatible with and may be used in conjunction with the one-position alpha supply condition codes.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division (703-557-0992).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

**Subpart 101-43.3—Utilization of
Excess**

1. Section 101-43.311-1 is revised as follows:

§ 101-43.311-1 Reporting.

Except as set forth in § 101-43.312, excess personal property shall be reported promptly as provided in this § 101-43.311-1 and in accordance with the Federal supply classification groups and classes in § 101-43.4801 with full descriptions when they are available. In the absence of these descriptions, adequate commercial descriptions shall be substituted. Whenever possible, national stock numbers shall be provided as part of the description. It is essential that the excess personal property report reflect the true condition of the property as of the date it is reported excess through assignment of the appropriate disposal condition code designation as defined in § 101-43.4801(e). Each Department of Defense excess personal property report must also contain the appropriate supply condition code as defined in § 101-43.4801(f), except reports of contractor inventory when a determination is made

that inclusion of the supply condition code is impractical. When available from property records, civil agencies shall also include the appropriate supply condition code in excess personal property reports. Further, whenever an item of equipment is reported as excess on Standard Form 120, Report of Excess Personal Property, any available operating manual, parts list, circuit or wiring diagram, maintenance record, log, or other instructional or informational publication or brochure pertaining to the equipment shall be reported on the Standard Form 120. If the property reported is a prefabricated movable structure that has been installed in a permanent manner and if the reporting agency requires that the site be restored at the expense of the transferee, donee, or purchaser, the nature and estimated cost of restoration shall be included on the Standard Form 120. When the property being reported is an excess strategic or critical material which was previously reported to GSA in accordance with Subpart 101-14.1 but not accepted for transfer to the national stockpile, the fact that the material was previously reported shall be noted on the Standard Form 120.

2. Section 101-43.315-3 is amended to revise paragraph (b) as follows:

§ 101-43.315-3 Fair value reimbursement.

* * * * *

(b) The fair value of excess property transferred with reimbursement pursuant to this § 101-43.315-3 shall be determined by the holding agency in accordance with the following formula:

Fair value code	Explanation	Percentage of original or estimated acquisition cost
A	New or unused personal property falling in condition code designation 1 (see § 101-43.4801-120-1).	20
B	All other personal property	0

* * * * *

Subpart 101-43.48—Exhibits

3. Section 101-43.4801 is amended to revise paragraphs (a)(1) and (d) and to add paragraphs (e) and (f) as follows:

§ 101-43.4801 Excess personal property reporting requirements.

(a) * * *

(1) It has a condition code (defined in paragraph (e) of this section) the same as or better than the minimum reportable disposal condition code shown in the last column; for example, "9" means property in that Group or Class coded 1 through 9 is reportable; and

* * * * *

(d) The table follows:

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable disposal condition code
Group No.	Group Identification	Classes			
10	Weapons	All	x		
11	Nuclear ordnance	All	x		
12	Fire control equipment	All	x		
13	Ammunition and explosives	All	x		
14	Guided missiles	All except		x	9
		1410 guided missiles	x		
		1440 launchers, guided missile	x		
15	Aircraft and airframe structural components	All except	x		9
		1510 aircraft, fixed wing, as specified by § 101-43.4801(b).		x	
		1520 aircraft, rotary wing, as specified by § 101-43.4801(b).		x	
		1560 airframe structural components, as specified by § 101-43.4801(b).		x	9
16	Aircraft components and accessories	All, as specified by § 101-43.4801(b), except		x	1
		1670 parachutes and aerial pickup, delivery, and cargo tie-down equipment		x	9
17	Aircraft launching, landing, and ground handling equipment	All	x		
18	Space vehicles	All except	x		7
		1850 space vehicle handling and servicing equipment		x	
		1860 space survival equipment		x	7
19	Ships, small craft, pontoons, and floating docks	Vessels over 1500 gross tons	x		
		Vessels 1500 gross tons or under, except	x		
		1905 combat ships and landing vessels		x	8
		1915 cargo and tanker vessels		x	8

Federal supply classification			Not reportable to GSA	Report- able to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
		1925 special service vessels	X		8
		1930 barges and lighters, cargo.	X		8
		1935 barges and lighters, special purpose.	X		8
		1940 small craft	X		8
		1955 dredges	X		8
20	Ship and marine equipment	All	X		
22	Railway equipment	All except	X		
		2210 locomotives	X		9
		2220 rail cars	X		9
		2230 right-of-way construction and maintenance equipment, railroad.	X		7
		2250 track materials, railroad.	X		7
23	Ground effect vehicles, motor vehicles, trailers, and cycles.	All except	X		9
		Armored vehicles in 2320 trucks and truck tractors. 2350 tanks and self- propelled weapons.	X		
24	Tractors	All	X		9
25	Vehicular equipment components.	All	X		
26	Tires and tubes	All except	X		
		2610 tires and tubes, pneumatic, except aircraft. 2805 gasoline reciprocating engines, except aircraft and components.	X		4
28	Engines, turbines, and components.	All except	X		5
		2810 gasoline, reciprocating engines, and components; as specified by § 101- 43.4801(b).	X		5
		2815 diesel engines and components.	X		5
		2840 gas turbines and jet engines, aircraft and components as specified by § 101-43.4801(b).	X		5
29	Engine accessories	All	X		
30	Mechanical power transmission equipment.	All	X		
31	Bearings	All	X		
32	Woodworking machinery and equipment.	All	X		9
34	Metalworking machinery	All	X		9
35	Service and trade equipment	All	X		7
36	Special industry machinery	All	X		8
37	Agricultural machinery and equipment.	All	X		9
38	Construction, mining, excavating, and highway maintenance equipment.	All	X		9
39	Materials handling equipment	All	X		9
40	Rope, cable, chain and fittings	All	X		7
41	Refrigeration, airconditioning, and air circulating equipment.	All	X		9
42	Firefighting, rescue, and safety equipment.	All except	X		9
		4230 decontaminating and impregnating equipment. 4240 safety and rescue equipment.	X		7
43	Pumps and compressors	All except	X		9
		4330 centrifugals, separators, and pressure and vacuum filters.	X		7
44	Furnace, steam plant, and drying equipment; and nuclear reactors.	All	X		4
45	Plumbing, heating and sanitation equipment.	All	X		7
46	Water purification and sewage treatment equipment.	All	X		7
47	Pipe, tubing, hose and fittings	All	X		7
48	Valves	All	X		4
49	Maintenance and repair shop equipment.	All except	X		8
		4920 aircraft maintenance and repair shop specialized equipment.	X		9

Federal supply classification			Not reportable to GSA	Report- able to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
		4925 ammunition maintenance and repair shop specialized equipment.	x		
		4931 fire control maintenance and repair shop specialized equipment.	x		
		4933 weapons maintenance and repair shop specialized equipment.	x		
		4935 guided missile maintenance, repair, and checkout specialized equipment.		x	9
51	Hand tools	All		x	8
52	Measuring tools	All		x	7
53	Hardware and abrasives	All		x	2
54	Prefabricated structures and scaffolding.	All		x	9
55	Lumber, millwork, plywood and veneer.	All		x	3
56	Construction and building materials.	All except Sand, gravel, and stone in 5610 mineral construction materials, bulk.	x	x	3
58	Communication, detection, and coherent radiation equipment.	All		x	9
59	Electrical and electronic equipment components.	All		x	2
61	Electrical wire, and power and distribution equipment.	All except 6105 motors, electrical 6115 generators and generator sets, electrical 6135 batteries, primary 6140 batteries, secondary		x x x x	7 9 9 2
62	Lighting fixtures and lamps	All except 6210 indoor and outdoor electric lighting fixtures. 6230 electric portable and hand lighting equipment. 6240 electric lamps 6250 ballasts, lampholders, and starters.	x	x x x x	7 9 2 2
63	Alarm and signal systems	All	x		
65	Medical, dental, and veterinary equipment and supplies.	All except 6505 drugs, biologicals, and official reagents. 6510 surgical dressing materials. 6530 hospital furniture, equipment, utensils, and supplies.	x	x x x	5 2 8
66	Instruments and laboratory equipment.	All except 6605 navigational instruments. 6610 flight instruments 6615 automatic pilot mechanisms and airborne gyro components. 6620 engine instrument 6625 electrical and electronic properties measuring and testing instruments. 6640 laboratory equipment and supplies. 6650 optical instruments 6655 geophysical and astronomical instruments.		x x x x x x x x	7 5 5 5 9 5 9 5
67	Photographic equipment	All except 6750 photographic supplies 6770 film, processed		x x x	7 3
68	Chemicals and chemical products	All		x	2
69	Training aids and devices	All		x	8
70	General purpose automatic data processing equipment, software, supplies and support equipment. (See § 101-43.4801(c).)	All		x	9

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable disposal condition code
Group No.	Group identification	Classes			
71	Furniture.....	All.....		x.....	9
72	Household and commercial furnishings and appliances.....	All.....		x.....	8
73	Food preparation and serving equipment.....	All.....		x.....	8
74	Office machines and visible record equipment.....	All.....		x.....	9
75	Office supplies and devices.....	All.....		x.....	2
76	Books, maps, and other publications.....	All except.....	x.....		
		7610 books and pamphlets.....		x.....	
77	Musical instruments, phonographs, and home-type radios.....	All except.....		x.....	5
		7710 musical instruments.....		x.....	9
78	Recreational and athletic equipment.....	All.....		x.....	5
79	Cleaning equipment and supplies.....	All except.....		x.....	5
		7930 cleaning and polishing compounds and preparations.....			2
80	Brushes, paints, sealers, and adhesives.....	All.....		x.....	2
81	Containers, packaging, and packing supplies.....	All except.....	x.....		
		8105 bags and sacks.....		x.....	8
		8110 drums and cans.....		x.....	8
		8115 boxes, cartons, and crates.....		x.....	8
		8120 commercial and industrial gas cylinders.....		x.....	8
		8135 packaging and packing bulk materials.....		x.....	2
83	Textiles, leather, furs, apparel, and shoe findings, tents, and flags.....	All except.....		x.....	2
		8340 tents and tarpaulins.....		x.....	9
		8345 flags and pennants.....	x.....		
84	Clothing and individual equipment and insignia.....	All except.....		x.....	2
		8405 outerwear, men's.....		x.....	9
		8410 outerwear, women's.....		x.....	9
		8415 clothing, special purpose.....		x.....	9
		8455 badges and insignia.....	x.....		
		8460 luggage.....	x.....		7
		8465 individual equipment.....	x.....		7
85	Toiletries.....	All.....		x.....	1
87	Agricultural supplies.....	All.....	x.....		
89	Subsistence.....	All except.....	x.....		
		8965 beverages, alcoholic.....		x.....	2
91	Fuels, lubricants, oils and waxes.....	All.....		x.....	2
93	Nonmetallic fabricated materials.....	All.....		x.....	2
94	Nonmetallic crude materials.....	All.....	x.....		
95	Metal bars, sheets, and shapes.....	All except.....		x.....	3
		9510 bars and rods, iron and steel.....		x.....	5
		9515 plate, sheet, and strip; iron and steel.....		x.....	5
		9535 plate, sheet strip and foil; nonferrous base metal.....		x.....	5
96	Ores, minerals, and their primary products.....	All except.....	x.....		
		9640 iron and steel primary and semifinished products.....		x.....	2
		9650 nonferrous base metal refinery and intermediate forms.....		x.....	2
		9660 precious metals primary forms.....		x.....	2
99	Miscellaneous.....	All except.....		x.....	1
		9910 Jewelry.....		x.....	7
		9999 miscellaneous items.....		x.....	9

(e) The appropriate disposal condition code from the table below shall be assigned to each item record, report, or listing of excess personal property:

Disposal condition code	Brief definition	Expanded definition
1	Unused—good.....	Unused property that is usable without repairs and identical or interchangeable with new items from normal supply sources.
2	Unused—fair.....	Unused property that is usable without repairs, but is deteriorated or damaged to the extent that utility is somewhat impaired.
3	Unused—poor.....	Unused property that is usable without repairs, but is considerably deteriorated or damaged. Enough utility remains to classify the property better than salvage.
4	Used—good.....	Used property that is usable without repairs and most of its useful life remains.
5	Used—fair.....	Used property that is usable without repairs, but is somewhat worn or deteriorated and may soon require repairs.

Disposal condition code	Brief definition	Expanded definition
6	Used—poor.....	Used property that may be used without repairs, but is considerably worn or deteriorated to the degree that remaining utility is limited or major repairs will soon be required.
7	Repairs required good.....	Required repairs are minor and should not exceed 15 percent of original acquisition cost.
8	Repairs required—fair.....	Required repairs are considerable and are estimated to range from 16 percent to 40 percent of original acquisition cost.
9	Repairs required—poor.....	Required repairs are major because property is badly damaged, worn, or deteriorated, and are estimated to range from 41 percent to 65 percent of original acquisition cost.
X	Salvage.....	Property has some value in excess of its basic material content, but repair or rehabilitation to use for the originally intended purpose is clearly impractical. Repair for any use would exceed 65 percent of the original acquisition cost.
S	Scrap.....	Material that has no value except for its basic material content.

(f) In addition to the appropriate disposal condition code from the table in paragraph (e) of this section, each item record, report, or listing of Department of Defense excess personal property shall also contain the appropriate supply condition code assigned before or at the time the item was declared excess, except item records, reports, or listings of contractor inventory when a determination is made that inclusion of the supply condition code is impractical. When available, civil agencies shall include the appropriate supply condition code in each item record, report, or listing of excess personal property. These codes, which provide additional material condition information for screening purposes, follow:

Supply condition code	Brief definition	Expanded definition
A	Serviceable (issuable without qualification).	New, used, repaired or reconditioned material that is serviceable and issuable to all customers without limitation or restriction. Includes material with more than 6 months shelf-life remaining.
B	Serviceable (issuable with qualification).	New, used, repaired, or reconditioned material that is serviceable and issuable for its intended purpose but is restricted from issue to specific units, activities, or geographical areas by reason of its limited usefulness or short service-life expectancy. Includes material with 3 through 6 months shelf-life remaining.
C	Serviceable (priority issue).....	Items that are serviceable and issuable to selected customers, but must be issued before Condition A and B material to avoid loss as a usable asset. Includes material with less than 3 months shelf-life remaining.
D	Serviceable (test/modification).....	Serviceable material that requires test, alteration, modification, conversion, or disassembly. (This does not include items that must be inspected or tested immediately before issue.)
E	Unserviceable (limited restoration).....	Material that involves only limited expense or effort to restore to serviceable condition and that is accomplished in the storage activity where the stock is located.
F	Unserviceable (reparable).....	Economically reparable material that requires repair, overhaul, or reconditioning, including reparable items which are radioactively contaminated.
G	Unserviceable (incomplete).....	Material requiring additional parts or components to complete the end item before issue.
H	Unserviceable (condemned).....	Material that has been determined to be unserviceable and does not meet repair criteria, including condemned items that are radioactively contaminated.
S	Unserviceable (scrap).....	Material that has no value except for its basic material content. No stock will be recorded as onhand in Condition Code S. This code is used only on transactions involving shipments to DPDO's. Material will not be transferred to Condition Code S before being turned in to PDO's if material is recorded in Condition Code A through H at the time material is determined excess. Material identified by NSN will not be identified by this Condition Code.

Subpart 101-43.49—Illustrations of Forms

Section 101-43.4901-120-1 is amended to revise paragraphs (f) through (i) as follows:

§ 101-43.4901-120-1 Instructions for preparing Standard Form 120.

Note.—The Instructions in this § 101-43.4901-120-1 are filed with the original document and do not appear in this volume.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: April 14, 1980.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 80-12567 Filed 4-23-80; 8:45 am]

BILLING CODE 6820-96-M

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**
44 CFR Part 64
[Docket No. FEMA 5811]
**List of Communities Eligible for the
Sale of Insurance Under the National
Flood Insurance Program**
AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Maryland 20034,
Phone: (800) 638-6620

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for

property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois	Cook	Calumet, city of	170072D	Apr. 1, 1980, suspension withdrawn	Apr. 5, 1974, Dec. 5, 1975, Feb. 13, 1976 and Apr. 21, 1978
Kentucky	Calloway	Murray, city of	210033B	do	June 14, 1974 and Aug. 13, 1976
Minnesota	Wright	Delano, city of	270539B	do	May 24, 1974 and May 14, 1976
Missouri	St. Louis	Hazelwood, city of	290357B	do	Jan. 9, 1974 and Dec. 5, 1975
New Hampshire	Rockingham	Windham, town of	330144B	do	Aug. 16, 1974 and Jan. 23, 1976
New York	Onondaga	Clay, town of	360573B	do	July 1, 1977
Do	Westchester	Rye, city of	360931C	do	May 20, 1977 and Nov. 3, 1978
Oklahoma	LeFlore	Wister, town of	400095B	do	Apr. 14, 1976
Pennsylvania					
Do	Washington	Canonsburg, borough of	420849B	do	Feb. 1, 1974 and May 7, 1976
Do	Lycoming	Piatt, township of	420653B	do	Jan. 23, 1974 and Dec. 10, 1975
Do	Allegheny	Pitcairn, borough of	420062A	do	July 30, 1976
Tennessee	Davidson	Oak Hill, city of	470351A	do	Oct. 27, 1972
Texas	Collin	Murphy, city of	480137C	do	Dec. 7, 1973 and Nov. 22, 1977
Vermont	Bennington	Pownal, town of	500016C	do	Aug. 16, 1974 and Nov. 29, 1977
West Virginia	Marshall	Glen Dale, city of	540109C	do	and Feb. 4, 1977 June 28, 1974 and July 9, 1976 and Aug. 13, 1976
Utah	Carbon	Unincorporated areas	490032B	Nov. 27, 1974, emergency Nov. 15, 1979, regular Jan. 16, 1980, suspended Apr. 3, 1980, reinstated.	June 14, 1977
Florida	Levy	Bronson, town of	120582	Apr. 11, 1980, emergency	Oct. 13, 1978
Mississippi	Amite	Unincorporated areas	280268	do	Feb. 24, 1978
North Dakota	Trail	Kelso, township of	380644	do	
Do	do	Lindaas, township of	380300	do	
Pennsylvania	Clearfield	Chest, township of	421519	do	Nov. 15, 1974
Do	Lackawanna	Clifton, township of	421751	do	Jan. 24, 1975
Illinois	Rock Island	Milan, village of	170590C	Apr. 3, 1975, emergency Mar. 18, 1980, regular Mar. 18, 1980, suspended Apr. 11, 1980, reinstated.	May 10, 1974 and Sept. 24, 1976
Pennsylvania	Clearfield	Troutville, borough of	420315	Mar. 14, 1980, emergency	Dec. 6, 1974
South Carolina	Dorchester	Unincorporated areas	450068	Apr. 11, 1980, emergency	Dec. 23, 1977

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 [33 FR 17804, Nov. 28, 1968], as amended, [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 17, 1980.

Glenn M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12761 Filed 4-25-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5807]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed

property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Maryland 20034,
Phone: (800) 638-6820

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, National Flood Insurance Program (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Los Angeles	Montebello, city of	080141B	Mar. 18, 1980, suspension withdrawn	June 28, 1974 and Dec. 19, 1975
Colorado	Eagle	Basalt, town of	080052B	do	June 28, 1974 and Apr. 23, 1976
Do	do	Eagle, town of	080236B	do	Aug. 15, 1975 and Feb. 18, 1977
Do	Boulder	LaFayette, city of	080029B	do	May 24, 1974 and Jan. 16, 1976
Connecticut	New London	Groton Long Point Association	090187A	do	Apr. 11, 1975
Do	New Haven	Orange, town of	090087B	do	Sept. 14, 1973 and Dec. 10, 1976
Florida	do	Longwood, city of	120282B	do	Jan. 23, 1974 and Sept. 17, 1976
Do	Clay	Orange Park, town of	120086B	do	May 31, 1974 and May 28, 1976
Do	Brevard	West Melbourne, city of	120335B	do	Mar. 8, 1974 and Aug. 1, 1975
Idaho	Canyon	Notus, city of	180147A	do	Sept. 26, 1975
Illinois	Madison	East Alton, village of	170440B	do	May 17, 1974 and Apr. 9, 1976
Indiana	Lake	Crown Point, city of	180128B	do	Nov. 23, 1973 and Mar. 28, 1976
Maine	York	Cornish, town of	230147B	do	June 28, 1974 and July 30, 1976
Maryland	Cecil	Elkton, city of	240022B	do	Feb. 15, 1974 and Dec. 19, 1975
Michigan	Bernie	New Buffalo, township of	260039B	do	July 26, 1974 and Sept. 24, 1976
Nebraska	Dodge	North Bend, city of	310236B	do	July 26, 1974 and Jan. 16, 1976
Do	Douglas	Valley, city of	310078B	do	May 17, 1974 and Dec. 26, 1975
New York	Chautauque	Caloron, village of	360135B	do	Feb. 15, 1974 and July 8, 1976
Do	Rensselaer	East Greenbush, town of	361133A	do	Dec. 13, 1974
Do	Chautauque	Elkry, town of	361072B	do	Feb. 10, 1976
Do	Monroe	Greece, town of	360417B	do	Jan. 23, 1974 and Sept. 2, 1977
Do	Albany	Menands, village of	360012B	do	Feb. 1, 1974 and Aug. 6, 1976
Do	Rensselaer	Rensselaer, city of	361032B	do	July 26, 1974 and Aug. 6, 1976
Do	Suffolk	Southold, town of	360613A	do	Nov. 29, 1974
Do	Rensselaer	Troy, city of	360677B	do	Apr. 5, 1974 and July 9, 1976
Pennsylvania	Washington	Carroll, township of	422142A	do	Nov. 15, 1974
Do	York	Conewago, township of	420918B	do	Dec. 28, 1973 and Apr. 15, 1977
Do	Erie	Fairview, borough of	421236B	do	July 26, 1974
Do	Allegheny	Glenfield, borough of	420036B	do	Mar. 29, 1974 and May 7, 1976
Do	do	Heysville, borough of	420042B	do	Aug. 8, 1974 and Aug. 6, 1976
Do	York	Hellam, township of	420827C	do	Mar. 29, 1974 and June 24, 1977
Do	Dauphin	Londonderry, township of	420363C	do	Oct. 12, 1973 and Aug. 20, 1976
Do	Lancaster	Manor, township of	420557B	do	May 3, 1974 and July 18, 1976
Do	Cumberland	Mount Holly Springs, borough of	420365B	do	Feb. 9, 1973 and Sept. 17, 1976
Do	Washington	New Eagle, borough of	420857B	do	Jan. 23, 1974 and June 4, 1976
Do	Dauphin	Paxtang, borough of	420360A	do	July 30, 1976
Do	Delaware	Prospect Park, borough of	420427B	do	July 26, 1974 and May 7, 1976
Do	Delaware	Rutledge, borough of	420432B	do	July 19, 1974
Do	Luzerne	Salem, township of	420625B	do	Nov. 30, 1973 and Jan. 7, 1977
Do	Allegheny	Shaler, township of	421101B	do	May 31, 1974 and July 16, 1976
Do	Dauphin	West Hanover, township of	421800A	do	Jan. 24, 1975
South Carolina	Lexington	Pine Ridge, town of	450136B	do	June 21, 1974 and Aug. 6, 1976
Tennessee	Bradley	Charleston, city of	470014A	do	Feb. 1, 1974
Texas	Harris	Houston, city of	480296B	do	Dec. 27, 1974 and Apr. 8, 1977
Virginia	Fauquier	Remington, town of	510056B	do	Nov. 15, 1974 and May 21, 1976
West Virginia	Jefferson	Shepherdstown, town of	540069C	do	Feb. 1, 1974 and Oct. 31, 1975 and Apr. 16, 1976
Colorado	Gilpin	Unincorporated areas	080075	Mar. 17, 1980, emergency	June 10, 1977

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
Illinois	Jackson	Makanda, village of	170301A	do	Aug. 23, 1974 and Dec. 26, 1975
North Carolina	Onslow	Richlands, town of	370341	do	July 11, 1975
Oklahoma	Pawnee	Ralston, town of	400164A	do	Aug. 13, 1976
New York	Steuben	Hartsville, town of	361602-New	Mar. 18, 1980, emergency	
Pennsylvania	Westmoreland	Latrobe, borough of	420883B	Dec. 10, 1974, emergency, Jan. 16, 1980, regular, Jan. 16, 1980, suspended Mar. 19, 1980, reinstated.	July 26, 1974 and May 14, 1976
North Carolina	Rowan	Unincorporated areas	370351A	Aug. 23, 1976, emergency Nov. 1, 1979, regular Dec. 18, 1979, suspended Mar. 21, 1980, reinstated.	July 28, 1978
North Dakota	Trail	Norway, township of	380643-New	Mar. 24, 1980, emergency	
Ohio	Clermont	Williamsburg, village of	390072A	do	Mar. 29, 1974
North Carolina	Edgecombe	McClesfield, town of	370090B	Mar. 25, 1980, emergency Mar. 25, 1980, regular	Jan. 9, 1974 and June 11, 1976
Arizona	Yavapai	Prescott Valley, town of	040121	Mar. 26, 1980, emergency	
Florida	Seminole	Lake Mary, city of	120416A	Sept. 10, 1976, emergency Mar. 18, 1980, regular Mar. 18, 1980, suspended Mar. 26, 1980, reinstated.	July 8, 1977
Pennsylvania	Washington	Houston, borough of	422594	Oct. 24, 1974, emergency Dec. 18, 1979, regular Dec. 18, 1979, suspended Mar. 26, 1980, reinstated.	Apr. 12, 1974 and June 11, 1970
Texas	Ector	Odessa, city of	480206B	Mar. 27, 1980, emergency	June 28, 1974 and July 17, 1979
Pennsylvania	Dauphin	East Hanover, township of	420377B	May. 7, 1973, emergency Jan. 16, 1980, regular Jan. 16, 1980, suspended Mar. 27, 1980, reinstated.	Feb. 15, 1974 and Jan. 14, 1977
Texas	Williamson	Unincorporated areas	481079A	Mar. 28, 1980, emergency	Nov. 1, 1977
Pennsylvania	Washington	West Finley, township of	422565	do	Dec. 27, 1974
Illinois	Marshall	Spartand, village of	170459A	do	Nov. 23, 1973 and Mar. 5, 1976
Do	White	Unincorporated areas	170906	Mar. 26, 1980, emergency	
Tennessee	Franklin	Cowan, town of	470053B	June 11, 1975, emergency Mar. 4, 1980, regular Mar. 4, 1980, suspended Mar. 28, 1980, reinstated.	June 14, 1974 and May 21, 1970
California	Napa	Yountville, city of	060209B	Mar. 28, 1980, suspension withdrawn..	Mar. 1, 1974 and Dec. 20, 1974
Connecticut	New Haven	Southbury, town of	090089B	do	Feb. 6, 1974 and Oct. 17, 1976
Illinois	Lake	Mettawa, village of	170381B	do	Oct. 18, 1974 and July 23, 1976
Kentucky	Campbell	Melbourne, city of	210250A	do	Feb. 1, 1974
Maine	Kennebec	West Gardiner, town of	230250B	do	Dec. 27, 1974 and Mar. 25, 1977
Nebraska	Furnas	Cambridge, city of	310087B	do	May 3, 1974 and Feb. 20, 1976
Nevada	Douglas	Unincorporated areas	320008A	do	Jan. 3, 1975
New Jersey	Essex	Newark, city of	340189B	do	Mar. 15, 1974 and Sept. 24, 1976
Do	Bergen	Rochelle Park, township of	340070B	do	June 22, 1973 and Mar. 5, 1976
New York	Rockland	Suffern, village of	360694B	do	Dec. 28, 1973 and June 18, 1976
North Carolina	Edgecombe	Pinetops, town of	370091B	do	Jan. 9, 1974 and June 25, 1976
Ohio	Athens	Athens, city of	360016B	do	June 27, 1975
Wisconsin	Milwaukee	Brown Deer, village of	550271B	do	Dec. 17, 1973 and Nov. 22, 1974

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, [42 U.S.C. 4001-4128]; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 3, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12762 Filed 4-25-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 5808]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krumm, National Flood Insurance Program (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW, Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction

from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood

insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in

connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood-prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for

the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of suspended communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Alabama	De Kalb	Fort Payne, city of	010067-A	July 17, 1955, emergency, May 1, 1960, regular, May 1, 1960, suspended.	Nov. 1, 1974	May 1, 1980
Do	Butler	Greenville, city of	010329-A	Mar. 13, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Oct. 8, 1976	Do.
Do	DeKalb	Raineyville, city of	010366-A	July 16, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Mar. 12, 1978	Do.
Arizona	Gila	Globe, city of	040029-B	Jan. 7, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspension.	May 24, 1974 Nov. 21, 1975	Do.
Do	do	Miami, town of	040030-B	Apr. 30, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 28, 1974 Apr. 23, 1978	Do.
Colorado	Summit	Silverthorne, town of	080201-A	July 18, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	July 25, 1975	Do.
Connecticut	Hartford	South Windsor, town of	090036-B	July 25, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Aug. 18, 1974 July 9, 1978	Do.
Florida	Calhoun	Blountstown, city of	120080-B	Mar. 17, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 24, 1974 Jan. 9, 1978	Do.
Georgia	Gwinnett	Norcross, city of	130101-B	Oct. 24, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 24, 1974 Mar. 5, 1978	Do.
Idaho	Bannock	Pocatello, city of	160012-B	Feb. 7, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Mar. 1, 1974 Aug. 13, 1978	Do.
Illinois	Will	New Lenox, village of	170708-B	Sept. 19, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 24, 1974 May 14, 1978	Do.
Indiana	Madison	Chesterfield, town of	180151-B	Feb. 14, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Dec. 17, 1974 Sept. 24, 1978	Do.
Do	Lake	Schererville, town of	180142-B	Mar. 17, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Nov. 30, 1973 Oct. 31, 1975	Do.
Minnesota	Hennepin	Edina, city of	270180-B	July 27, 1973, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Feb. 1, 1974 July 25, 1975	Do.
Do	Morison	Little Falls, city of	270299-B	May 9, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 21, 1974	Do.
New Hampshire	Hillsborough	Greenfield, town of	330209-A	Nov. 17, 1977, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Apr. 4, 1975	Do.
Do	do	Milford, town of	330096-B	June 12, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Mar. 22, 1974 June 18, 1978	Do.
Do	do	Peterborough, town of	330101-A	Apr. 22, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Nov. 12, 1978	Do.
New Jersey	Middlesex	North Brunswick, township of	340271-B	May 13, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 28, 1975	Do.
New York	Saratoga	Waterford, village of	360735-A	July 26, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Mar. 29, 1974	Do.
North Carolina	Gaston	Unincorporated areas	370099-B	Apr. 18, 1978, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Nov. 29, 1974 July 14, 1978	Do.
Do	Iredell	Mooreville, town of	370314-A	Mar. 24, 1978, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Apr. 25, 1975	Do.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Do	Davidson	Unincorporated areas	370307-B	July 23, 1976, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 17, 1977	Do.
Do	Gaston	Mount Holly, city of	370102-C	Jan. 15, 1974, emergency, Sept. 28, 1978, regular, May 1, 1980, suspended.	Jan. 9, 1974 June 25, 1976	Do.
North Dakota	Walsh	Forest River, city of	380138-A	Oct. 22, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Nov. 22, 1974	Do.
Ohio	Fairfield	Lancaster, city of	390161-B	July 28, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 17, 1974	Do.
Oklahoma	Key	Blackwell, city of	400078-B	May 31, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Feb. 1, 1974 Apr. 9, 1976	Do.
Pennsylvania	Columbia	Bloomsburg, town of	420339-B	Mar. 9, 1972, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Feb. 22, 1974 Oct. 15, 1976	Do.
Do	Beaver	Bridgewater, borough of	420106-B	Oct. 24, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Feb. 22, 1974 Apr. 9, 1976	Do.
Do	Wyoming	Eaton, township of	420909-B	July 27, 1973, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Jan. 9, 1974 Nov. 26, 1976	Do.
South Carolina	Anderson	Belton, city of	450015-B	July 24, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 24, 1974	Do.
Do	Lexington	Cayce, city of	450131-B	Feb. 5, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	May 31, 1974 Apr. 30, 1976	Do.
Do	do	Irmo, town of	450133-C	June 27, 1975, emergency, May 1, 1980, regular, May 1, 1980.	May 17, 1974 Apr. 30, 1976	Do.
Do	do	Lexington, town of	450134-B	May 27, 1975, emergency, May 1, 1980, regular, May 1, 1980.	June 7, 1974 Dec. 10, 1976	Do.
Do	do	Springdale, town of	450138-C	Dec. 4, 1973, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 28, 1974 July 30, 1976	Do.
Utah	Emer	Castle Dale, city of	490059-B	July 25, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Jan. 10, 1978	Do.
Virginia	Prince George	Unincorporated areas	510204-A	May 17, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Jan. 24, 1975	Do.
Do	Franklin	Rocky Mount, town of	510291-A	June 18, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Jan. 19, 1975	Do.
Do	Warren	Unincorporated areas	510166-A	May 4, 1973, emergency, May 1, 1980, regular, May 1, 1980, suspended.	July 19, 1974	Do.
Washington	Pierce	Buckley, city of	530139-B	Nov. 5, 1975, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Aug. 16, 1974 Jan. 2, 1976	Do.
Do	Lewis	Chehalis, city of	530104-B	Apr. 24, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	June 7, 1974 Sept. 24, 1976	Do.
Do	King	Issaquah, city of	530079-B	May 20, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Feb. 8, 1974 Feb. 25, 1977	Do.
West Virginia	Marshall	Benwood, city of	540108-B	June 3, 1974, emergency, May 1, 1980, regular, May 1, 1980, suspended.	Apr. 5, 1974 Apr. 23, 1976	Do.

¹Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 15, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12763 Filed 4-25-70; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 5809]

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Interim rule

SUMMARY: This rule lists those communities where modification of the

base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the

90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5581 or Toll Free Line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in

this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and

Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.4 (Presently appearing as its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures

required by 44 CFR 60.3 (presently appearing at its former Section 1910.3) of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR Part 1915.4):

State	County	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Arkansas	Pulaski	City of Sherwood	<i>Arkansas Democrat</i> , July 17 and 19, 1979.	Honorable B. E. Henson, Mayor, City of Sherwood, City Hall, 201 Country Club, Sherwood, Arkansas 72115.	Feb. 26, 1980 ..	050235, 0005-0010C
Louisiana	Iberville Parish	Village of Rosedale	<i>Advocate</i> , July 17 and 19, 1979 ..	Honorable Lawrence J. Badesau, Mayor, Village of Rosedale, Box 157, Rosedale, Louisiana 70772.	Feb. 26, 1980 ..	220087, 0001C
Michigan	Jackson	City of Jackson	<i>Jackson Citizen Patriot</i> , February 1 and 8, 1980.	Honorable Fred C. Jenks, Mayor, City of Jackson, 161 West Michigan Avenue, Jackson, Michigan 49201.	Feb. 8, 1980 ..	260273, 0001C
New Jersey	Bergen	Borough of Oradell	<i>The Record</i> , April 3 and 6, 1979 ..	Honorable Carl Margraf, Mayor, Borough of Oradell, Borough Hall, 365 Kindermark Road, Oradell, New Jersey 07849.	Feb. 1, 1980 ..	340060, 0001B
Pennsylvania	Indiana	Township of Center	<i>Indiana Evening Gazette</i> , February 22 and 29, 1980.	Mr. Vincent Sobota, Chairman, Center Township Supervisors, P.O. Box 293, R.D. #2, Neal Road, Homer City, Pennsylvania 15748.	Feb. 29, 1980 ..	420496, 0002C
Utah	Utah	City of Payson	<i>Payson Chronicle</i> , February 14 and 21, 1980.	Honorable Gary S. Hansen, Mayor, City of Payson, P.O. Box 119, Payson, Utah 84651.	Feb. 5, 1980 ..	490157B 1916B
North Carolina	Orange	Town of Carboro	<i>The Chapel Hill Newspaper</i> , February 2 and 9, 1980.	Honorable Robert W. Drakeford, Mayor, Town of Carboro, P.O. Box 337, Carboro, North Carolina 27510.	Feb. 9, 1980 ..	370275C
Pennsylvania	Northumberland	Borough of Milton	<i>Milton Standard</i> , January 10 and 17, 1979.	Mr. John H. Yingling, Council President, 28 North Front Street, Milton, Pennsylvania 17847.	Feb. 2, 1980 ..	425384, 0001-0002C
Virginia	Campbell	Unincorporated areas	<i>Lynchburg Daily Advance</i> , July 21 and 28, 1979.	Mr. Donald N. Johnson, Campbell County Administrator, P.O. Box 100, Rustburg, Virginia 24588.	Feb. 29, 1980 ..	510028, 0125B
Wisconsin	Dane	Unincorporated areas	<i>Wisconsin State Journal</i> , February 1 and 8, 1980.	Mr. L. J. Enger, Administrator, Dane County, City-County Building, 210 Monona Avenue, Madison, Wisconsin 53709.	Feb. 8, 1980 ..	550077, 0175B
Wisconsin	Manitowoc	Village of Mishicot	<i>Herald Times Report</i> , January 25 and February 1, 1980.	Mr. Donald L. Krajcik, Village President, P.O. Box 122, Mishicot, Wisconsin 54228.	Feb. 1, 1980 ..	555566, 0001C
Wisconsin	Marathon	City of Schofield	<i>Wausau Daily Herald</i> , February 1 and 8, 1980.	Honorable Robert Gwidt, Mayor, City of Schofield, 200 Park Street, Schofield, Wisconsin.	Feb. 8, 1980 ..	555579, 0001C
Utah	Utah	City of Springville	<i>Springville Herald</i> , February 14 and 21, 1980.	Honorable John T. Marshall, Mayor, City of Springville, 50 South Main Street, Springville, Utah 84683.	Feb. 5, 1980, ..	490163B 1916B
Kentucky	Mason	City of Maysville	<i>Ledger-Independent</i> , February 29 and March 7, 1980.	Honorable J. C. Raab, Mayor, City of Maysville, Third and Bridge Streets, Maysville, Kentucky 41056.	Mar. 7, 1980 ..	210168
Massachusetts	Hampshire	Town of Goshen	<i>Daily Hampshire Gazette</i> , February 29 and March 7, 1980.	Mr. Mitchell Cichy, Chairman, Board of Selectmen, Town Hall, Town of Goshen, Box 106, Goshen, Massachusetts 01032.	Mar. 7, 1980 ..	250161, 0001C
Ohio	Licking	City of Newark	<i>The Advocate</i> , March 21 and 28, 1980.	Honorable Mary M. Lusk, City of Newark, 40 W. Main Street, Newark, Ohio 43055.	Mar. 28, 1980 ..	390335, 0005, 0010 0015, 0020C
Alabama	Tuscaloosa	City of Northport	<i>Tuscaloosa News</i> , March 28 and April 4, 1980.	Honorable J. Frank Manderson, Mayor, City of Northport, P.O. Drawer L, Northport, Alabama.	Mar. 18, 1980 ..	010202B

(National Flood Insurance Act of 1968 [Title XIII of Housing Urban Development Act 1968] effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 3, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12760 Filed 4-25-80; 8:45 am]
BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation DeterminationsAGENCY: Federal Insurance
Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood
elevations are listed below for selected
locations in the nation.

These base (100-year) flood elevations
are the basis for the flood plain
management measures that the
community is required either to adopt or
show evidence of being already in effect
in order to qualify or remain qualified

for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of
the Flood Insurance Rate Map (FIRM),
showing base (100-year) flood
elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT:
Mr. R. Gregg Chappell, National Flood
Insurance Program, (202) 426-1460 or
Toll Free Line (800) 424-8872 (In Alaska
and Hawaii Call Toll Free (800) 424-
9080), Room 5148, 451 Seventh Street,
SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The
Federal Insurance Administrator gives
notice of the final determination of flood
elevations for each community listed.

This final rule is issued in accordance
with section 110 of the Flood Disaster
Protection Act of 1968 (Title XIII of the
Housing and Urban Development Act of
1968 (Pub. L. 90-448), 42 U.S.C. 4001-
4128, and 44 CFR Part 67). An
opportunity for the community or
individuals to appeal this determination
to or through the community for a period
of ninety (90) days has been provided,
and the Administrator has resolved the
appeals presented by the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with 44
CFR Part 60.

The final base (100-year) flood
elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Coachella, (City), Riverside County FI-4740.	Whitewater River	West of Grapefruit Boulevard between Avenue 49 and Avenue 50 Intersection of Cates Lane and Avenue 50 Intersection of West Dike Road and Avenue 52 Intersection of Tyler Street and Avenue 53	#2 #2 #2 #2
Maps available at City Hall, 1515 6th Street, Coachella, California.				
Massachusetts	Northfield, (Town) Franklin County, FEMA-5701.	Connecticut River	Confluence with Tributary B—at centerline Confluence with Millers Brook—at centerline New Route 10 Bridge—100 feet upstream from centerline Schell Memorial Bridge—at centerline	*204 *207 *208 *209
		Bennett Brook	Confluence with Connecticut River—at centerline Old Route 10 Culvert—80 feet downstream from centerline Old Route 10 Culvert—100 feet upstream from centerline Boston & Maine Railroad Culvert—180 feet downstream from centerline Boston & Maine Railroad Culvert—150 feet upstream from centerline Mount Hermon Station Road Culvert—50 feet downstream from centerline Mount Hermon Station Road Culvert—50 feet upstream from centerline	*207 *210 *219 *257 *272 *319 *342
		Fourmile Brook	Pine Meadow Road—at centerline Central Vermont Railroad Culvert—at centerline Breached Dam—40 feet downstream from centerline Breached Dam—50 feet upstream from centerline Main Street (State Route 63)—20 feet upstream from centerline Fourmile Brook Road Bridge—30 feet upstream from centerline Private Drive Bridge—40 feet upstream from centerline	*205 *205 *282 *275 *328 *342 *424
		Louisiana Brook	Dirt Road Bridge—50 feet upstream from centerline Upstream Limit of Detailed Study—at centerline	*210 *222
		Mill Brook	Confluence with Connecticut River—at centerline Dam downstream from State Route 63 Bridge—100 feet downstream from centerline Dam downstream from State Route 63 Bridge—50 feet upstream from centerline Private Road Bridge—50 feet upstream from centerline Biram Road Bridge—100 feet downstream from centerline Biram Road Bridge—100 feet upstream from centerline Sturbridge Road Bridge—50 feet upstream from centerline Warwick Avenue Bridge—50 feet upstream from centerline Most upstream Driveway Bridge off Warwick Avenue—80 feet upstream from centerline Most upstream Warwick Avenue Bridge—50 feet upstream from centerline Upstream Limit of Detailed Study—at centerline	*209 *258 *274 *287 *297 *303 *319 *330 *432 *561 *601
		Millers Brook	Confluence with Connecticut River—at centerline Central Vermont Railroad Culvert—100 feet upstream from centerline Dam upstream from Central Vermont Railroad Culvert—50 feet downstream from centerline Dam upstream from Central Vermont Railroad Culvert—30 feet upstream from centerline Driveway Bridge—100 feet downstream from centerline Driveway Bridge—100 feet upstream from centerline Foot Bridge upstream from Beers Plain Road Culvert—50 feet upstream from centerline	*207 *207 *208 *225 *271 *270 *308

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Old Wendell Road Culvert—70 feet downstream from centerline.....				
			Old Wendell Road Culvert—70 feet upstream from centerline.....	*336
			Driveway Bridge upstream from Old Wendell Road Culvert—50 feet downstream from centerline.....	*341
			Driveway Bridge upstream from Old Wendell Road Culvert—50 feet upstream from centerline.....	*349
			Maple Street (Gulf Road) Culvert—40 feet downstream from center- line.....	*356
			Maple Street (Gulf Road) Culvert—100 feet upstream from centerline..	*423
			State Route 63 Bridge—50 feet upstream from centerline.....	*427
	Pauchang Brook.....		Pine Meadow Road Bridge—30 feet upstream from centerline.....	*210
	Pine Meadow Brook.....		Central Vermont Railroad Culvert—100 feet downstream from center- line.....	*205
			Central Vermont Railroad Culvert—80 feet upstream from centerline ..	*218
			Main Street Culvert—100 feet upstream from centerline.....	*227
	Roaring Brook.....		Beers Plain Road Bridge—40 feet upstream from centerline.....	*210
			Beers Plain Road Bridge—40 feet upstream from centerline.....	*252
			State Road Bridge—30 feet upstream from centerline.....	*256
			Farm Culvert—60 feet upstream from centerline.....	*266
	Tributary B.....		Pine Meadow Road Bridge—40 feet upstream from centerline.....	*269
				*204
Maps available at Town Hall, Main Street, Northfield, Massachusetts.				
e				
Pennsylvania.....	Falls, Township, Bucks County (Docket No. FI-2994).	Delaware River.....	Downstream Corporate Limits.....	*11
			Upstream Corporate Limits.....	*16
		Martins Creek.....	Downstream Corporate Limits.....	*22
			Mill Creek Road (200 feet upstream side).....	*24
			Upstream side of Pennsylvania Canal.....	*32
			Penn Valley Road (50 feet upstream side).....	*36
		Tributary No. 1 of Martins Creek...	Pennsylvania Canal (50 feet upstream side).....	*27
			Mill Creek Parkway (70 feet upstream side).....	*31
			Upstream side of Penn Valley Road.....	*35
		Tributary No. 2 of Martins Creek...	North Park Drive.....	*33
			New School Lane.....	*33
		Tributary No. 3 of Martins Creek...	U.S. Route 13 (50 feet upstream).....	*38
			Fallington-Tullytown Road (50 feet upstream side).....	*45
			Newportville-Fallington Road (50 feet upstream side).....	*51
			Vermilion Way.....	*55
			Tranton Road (Upstream side).....	*89
		Rock Run.....	New Tyburn Road (Upstream side 50 feet).....	*38
			U.S. Route 1 (Upstream side).....	*51
			U.S. Route 13 (50 feet upstream side).....	*60
			Old Lincoln Highway (50 feet upstream side).....	*72
			Alden Avenue (100 feet upstream side).....	*79
			Upstream Corporate Limits.....	*90
		Queen Anne Creek.....	Downstream Corporate Limits.....	*67
			Olds Boulevard (Upstream side).....	*69
			Upstream Corporate Limits.....	*71
		Tributary No. 1 of Queen Anne Creek.....	Oxford Valley Road.....	*69
			Tranton Road (Upstream side).....	*79
			Austin Drive (Upstream side).....	*89
			Lincoln Highway (200 feet upstream side).....	*106
		Tributary No. 2 of Queen Anne Creek.....	Tranton Road (upstream side 50 feet).....	*77
			Chelsea Road (Upstream side).....	*89
			Austin Drive (Upstream side).....	*102
			Lincoln Highway (Upstream side).....	*115
Maps available at the Township Building, Falls, Pennsylvania.				
Wisconsin.....	(C) Madison, Dane County (Docket No. FEMA-5702).	Yahara River.....	Lake Waubesa.....	*847
			Lake Monona.....	*848
			Lake Mendota.....	*852
			From Highway 113 to the upstream corporate limits.....	*854
		Nine Springs Creek.....	Mouth at Yahara River.....	*848
			Just upstream of Moorland Road.....	*849

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Just upstream of County Highway MM				*852
Upstream corporate limits located approximately 765 feet upstream of Syene Road.				*854
East Branch Starkweather Creek..				*850
Confluence with West Branch Starkweather Creek				*851
Just upstream of State Highway 30.....				*852
Just upstream of Sycamore Avenue				*853
Upstream corporate limits.....				*848
Mouth at Lake Monona				*851
Starkweather Creek and West Branch Starkweather Creek.				*854
Just downstream of Fair Oaks Avenue				*855
Just upstream of Washington Avenue				*858
Just upstream of State Highway 30.....				*860
Just upstream of International Lane.....				*850
Upstream corporate limits located 2,640 feet upstream of U.S. Highway 51.				*853
Unnamed Tributary to Lake Waubesa.				*858
Downstream corporate limits.....				*858
Just upstream of Dutch Mill Road				*859
Just downstream of Marsh Road				*848
1,500 feet upstream of Marsh Road				
Between Lake Monona and Lake Wingra.....				
Murphy Creek				
Maps available at Planning and Development Division, City-County Building, Room 414, Madison, Wisconsin 53708.				
Wisconsin	(V) Oregon, Dane County (Docket No. FI-5232).	Greenway	At mouth.....	*930
			1,260 feet upstream of mouth.....	*930
			1,260 feet upstream of Nygaard Street.....	*932
			50 feet downstream of First Pass under Perry Parkway.....	*932
			50 feet downstream of Lincoln Street.....	*935
			Downstream side of Second Pass under Perry Parkway.....	*936
			50 feet upstream of second pass under Perry Parkway.....	*937
			320 feet downstream of Netherwood Street.....	*937
			Downstream side of Netherwood Street.....	*938
			At downstream east corporate limits.....	*927
			1,660 feet upstream of corporate limit.....	*929
			Downstream side of Oak Street.....	*930
			Entrance to Conduit at Main Street.....	*937
			Upstream of corporate limits	*937
Maps available at the Office of the City Clerk, Oregon, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 11, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12757 Filed 4-25-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance
Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood

elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood

Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872, (In Alaska

and Hawaii Call Toll Free (800) 424-9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster

Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood

elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (#GVD).
Arkansas	City of Diaz, Jackson County (FEMA-5757).	White River	At Highway 17 over Main Street Ditch At Highway 18 over Main Street Ditch	*228 *228
Maps available at City Hall, Highway 17, Diaz, Arkansas 79520.				
California	Montague (City), Siskiyou County, FEMA-5748.	Oregon Slough	At downstream corporate limits 50 feet downstream from center of Yreka Western Railroad Bridge 50 feet upstream from center of Yreka Western Railroad Bridge At upstream corporate limits 300 feet southeast from Yreka Western Railroad bridge over Oregon Slough.	*2499 *2505 *2510 *2519 *2
Maps available at City Clerk's Office, City Hall 1030 13th Street, Montague, California 96064.				
California	Tehama (City), Tehama County, FEMA-5748.	Sacramento River	Intersection of Fifth Street and Gyle Road Intersection of Tehama Road and B Street	*215 *221
Maps available at City Clerk's Office, City Hall, Tehama, California.				
Colorado	Mintum (Town), Eagle County, FEMA-5728.	Eagle River	Downstream corporate limits 30 feet upstream North Bridge on Main Street at centerline South Bridge 12 feet upstream from centerline Most upstream corporate limits	*7786 *7817 *7859 *7936
Maps are available at Town Hall, 302 Pine, Mintum, Colorado.				
Connecticut	Noank Fire District, New London County (Docket No. FEMA-5734).	Fishers Island Sound Eccleston Brook	Entire Coastline Brook Street Upstream Private Drive (270' downstream of State Route 215) Downstream State Route 215 Upstream State Route 215 Downstream Private Drive (400' downstream of Corporate Limits) Corporate Limits	*11 *11 *14 *14 *20 *27 *32
Maps available at the Noank Fire House, Noank, Connecticut.				
Connecticut	(T) North Haven, New Haven County (Docket No. FEMA-5702).	Quinnipiac River Muddy River Five Mile Brook Watermans Brook	Downstream corporate limit Upstream side of Broadway Upstream side of State Route 22 2.0 miles downstream of Tooles Road 0.6 miles downstream of Tooles Road Upstream corporate limit Mouth of Quinnipiac River 1,500 feet upstream of Interstate 91 Just upstream of Old Maple Avenue Just downstream of Velvet Street Just upstream of Velvet Street 0.63 miles downstream of Patten Road Just upstream of Patten Road Downstream side of Old Clintonville Road Just upstream of Old Clintonville Road Confluence with Muddy River Upstream side of footbridge located 0.19 mile upstream of Spring Road 0.24 mile upstream of footbridge located 0.19 mile upstream of Spring Road Upstream side of Brook Lane Upstream side of Middleton Avenue 530 feet upstream of Beech Lane Downstream side of North Hill Road Mouth of Quinnipiac River Just upstream of Interstate 91 Downstream side of Elm Street Just upstream of Elm Street Just upstream of Shawmut Avenue Just upstream of St. John Street Just upstream of Clintonville Road Upstream side of Margo Circle Downstream side of Bassett Road	*11 *11 *12 *15 *20 *20 *23 *11 *13 *20 *27 *33 *40 *47 *57 *62 *24 *32 *45 *59 *67 *73 *74 *11 *13 *20 *28 *33 *38 *43 *46 *49

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Pine Brook	Mouth of Quinnipiac River	*17
			Just upstream of Wilbur Cross Parkway	*21
			Just upstream of Hartford Turnpike	*25
			Downstream side of Kings Highway	*37
		Mill River	Upstream side of Whitney Avenue	*54
			Just upstream of Wilbur Cross Parkway	*69
			0.7 mile upstream of Wilbur Cross Parkway at upstream corporate limit	*83
		Wharton Brook	Confluence with Quinnipiac River	*21
			Just upstream of Private Road	*28
			Just upstream of U.S. Route 5	*33
Maps available at Town Clerk's Office, 18 Church Street, North Haven, Connecticut 06473.				
Florida.....	City of Sanford, Seminole County (FEMA-5748).	City Ditch (East Branch)	Just upstream of State Road No. 46 (First Street).....	*12
			Just upstream of Third Street.....	*14
			Just upstream of Eighth Street	*20
		City Ditch (West Branch)	Just upstream of Third Street.....	*14
			Just upstream of Eighth Street	*23
			Just downstream of Persimmon Avenue	*26
Maps available at City Engineer's Office, City Hall, 300 N. Park Avenue, Sanford, Florida 32771.				
Florida.....	City of St. Cloud Osceola County (FEMA-5748).	Dakota Avenue Canal.....	Just upstream of Shore Boulevard	*63
			Just downstream of Fifth Street.....	84
		East Lake Tope Kaliga	Entire Shoreline	*62
		Shallow Flooding Along Second Street	Intersection of Tennessee Avenue and Second Street.....	*62
Maps available at Public Works Office, City Hall, 1300 9th Street, St. Cloud, Florida 3279.				
Illinois.....	(V) Alsip, Cook County (Docket - No. FEMA-5749).	Stony Creek (East).....	Just upstream 127th Street.....	*583
			Approximately 300 feet upstream Homan Avenue	*584
			Approximately 200 feet downstream Cicero Avenue	*587
		Merrionette Park Ditch.....	Approximately 200 feet upstream mouth	*585
			Approximately 100 feet downstream 123rd Street.....	*592
			Approximately 200 feet upstream 123rd Street.....	*595
Maps available at Village Hall, 4500 123rd Street, Alsip, Illinois 60658.				
Illinois.....	(V) Colona, Henry County (Docket No. FEMA-5749).	Rock River	Just upstream of State Highway 84.....	*576
			Just upstream of Chicago Rock Island and Pacific Railway	*576
		Green River.....	Just upstream of Green River Road	*578
			Just upstream of Chicago Rock Island and Pacific Railway	*580
			1500 feet upstream of Interstate 80	*582
			4400 feet upstream of Interstate 80	*583
Maps available at Village Hall, P.O. Box 188, Colona, Illinois 61241.				
Indiana.....	(T) Brooklyn, Morgan County (Docket No. FEMA-5702).	White Lick Creek.....	Approximately 1,460 feet downstream of the downstream corporate limit	*630
			At downstream corporate limits	*637
			Approximately 350 feet downstream of Mill Street.....	*630
			Just downstream of Mill Street.....	*639
			Approximately 250 feet upstream of Mill Street.....	*640
			Approximately 1,300 feet upstream of Mill Street.....	*641
			Just upstream of upstream corporate limits	*644
			Approximately 700 feet upstream of upstream corporate limit.....	*645
Maps available at County Planning Office, County Court House, Martinsville, Indiana 46111.				
Iowa.....	(C) Buffalo, Scott County (Docket No. FEMA-5749).	Mississippi River.....	Upstream corporate limits.....	*582
			Downstream corporate limits	*580
		Cedar Creek.....	Upstream corporate limits.....	*627
			About 200 feet upstream 4th Street.....	*592
			Mouth at Mississippi River	*581
Maps available at City Hall, 409 3rd Street, Buffalo, Iowa 52728.				
Iowa.....	(C) Clinton, Clinton County (Docket No. FEMA-5749).	Mississippi River.....	Southern corporate limits	*588
			Northern corporate limits	*594
		Mill Creek.....	Mouth at Beaver Slough	*588
			Just downstream of Lincoln Highway	*588
			Just downstream of Manufacturing Drive	*591
			Just upstream of South Bluff Boulevard	*597
			Just upstream of 2nd Avenue Road	*611
		Harts Mill Creek.....	At confluence with Mill Creek.....	*591
			About 150 feet upstream of Manufacturing Drive.....	*592
			About 550 feet upstream of Chicago and Northwestern railroad.....	*593
			About 150 feet upstream of South 30th Street.....	*604
			Just downstream of Harts Mill Road	*607
			Just upstream of Harts Mill Road	*618
			About 1.26 miles upstream of Harts Mill Road	*618

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD).
		Manufacturers Ditch	About 400 feet upstream of mouth	*585
			About 400 feet upstream of South 21st Street	*588
			Just upstream of South 14th Street	*590
			Just upstream of 11th Avenue South	*591
		Unnamed Creek	Mouth at Mill Creek	*588
			About 0.6 mile upstream of U.S. Highway 67	*588
		Car Barn Creek	Mouth at Joyce Slough	*575
			About 100 feet upstream of Chicago and Northwestern Railroad	*585
			About 100 feet upstream of Garfield Street	*588
			About 100 feet upstream of 23rd Avenue North	*592
			About 100 feet upstream of Buell Avenue	*595
			About 100 feet upstream of Main Avenue (near Buell Avenue)	*604
			About 150 feet downstream of North 10th Street	*618
			About 60 feet upstream of North 10th Street	*624
			About 100 feet upstream of North 11th Street	*627
			About 1,400 feet upstream of North 11th Street	*633
		Turtle Creek	Mouth at Mississippi River	*592
			About 100 feet downstream of Pershing Boulevard	*592
			About 50 feet upstream of North 3rd Street	*630
			About 50 feet downstream of 30th Avenue North	*635
			About 50 feet upstream of 30th Avenue North	*640
			About 650 feet upstream of 30th Avenue North	*640
Maps available at City Hall, 611 South 3rd Street, Clinton, Iowa 52732.				
Kentucky	Independence (City), Kenton County, FEMA-5728.	Banklick Creek	Richardson Road at centerline	*585
			Louisville and Nashville Railroad (most downstream crossing) at centerline	*581
			Webster Road North 50 feet upstream from centerline	*610
			50 feet upstream from the confluence with Brushy Fork	*683
			Independence Station Road at centerline	*726
			Webster Road South at centerline	*744
			Cody Road 125 feet upstream from centerline	*754
			Briar Road 50 feet downstream of centerline	*765
		Fowler Creek	Pelly Road 80 feet upstream from centerline	*713
			McCullum Pike at centerline	*771
			Harris Road at centerline	*803
		Brushy Fork	Louisville and Nashville Railroad Culvert 50 feet upstream from centerline	*684
			Independence Station Road at centerline	*742
			Banklick Station Road 25 feet upstream from centerline	*778
Maps are available at Independence City Building, 5292 Madison Pike, Independence, Kentucky.				
Michigan	Cottleville (Township), St. Clair County, FEMA-5748.	St. Clair River	Confluence with Robbins Drain	*580
			Confluence with Lester-Bammel Drain	*580
		Beaubien Creek	50 feet upstream from center of Starville Road	*587
		Marine City Drain (Main Channel)	At Roberts Road Bridge	*581
			At Broadbridge Road Bridge	*582
		Marine City Drain (West Channel)	At confluence with Marine City Drain (Main Channel)	*581
		Lester-Bammel Drain	50 feet upstream from center of Michigan State Route 29	*581
		Robbins Drain	At center of Broadbridge Road Bridge	*580
		Robbins Drain Outlet	At center of Michigan State Route 29 Bridge	*580
Maps available at the Township Hall, 7008 Marsh Road, Marine City, Michigan.				
Michigan	(V) New Haven, Macomb County (Docket No. FEMA-5702).	Salt River	At the downstream corporate limit	*603
			At the upstream corporate limit	*618
		Shook River	At the confluence with Salt River	*604
			Just downstream of Amvet Drive	*606
			About 100 feet upstream of Amvet Drive	*608
			About 100 feet upstream of Victoria Street	*624
			About 100 feet downstream of Clark Street	*631
			Just upstream of Clark Street	*636
			At the upstream corporate limit	*644
Maps available at the Village Hall, 58725 Havenridge Road, New Haven, Michigan 48048.				
Mississippi	Brandon (City), Rankin (County), FEMA-5728.	Terrapin Skin Creek	Interstate Highway 20 westbound lanes 40 feet upstream from centerline	*343
			State Highway 471 30 feet upstream from centerline	*365
		Terrapin Skin Creek, Tributary 1	At confluence with Terrapin Skin Creek	*345
			At corporate limits	*371
		Terrapin Skin Creek, Tributary 2	At confluence with Terrapin Skin Creek	*345
Maps available at City Hall, 205 Government Street, Brandon, Mississippi.				
Montana	Kalispell (City), Flathead (County), FI-5459.	Ashley Creek	Culvert at South Main Street—20 feet upstream from centerline	*2923
			Crook Avenue—20 feet upstream from centerline	*2930
		West Spring Creek	Most downstream Corporate Limits at centerline	*2963
			Most upstream Corporate Limits at centerline	*2963

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Stillwater River.....	Most downstream Corporate Limits at centerline.....	*2937
			Most upstream Corporate Limits at centerline.....	*2948
		Flathead River.....	Limit of Flooding affecting the City of Kalispell upstream from centerline.....	*2903
Maps available at City Hall, 336 2nd Avenue, East, Kalispell, Montana.				
New Hampshire.....	(T) Plaistow, Rockingham County (Docket No. FEMA-5749).	Little River.....	Approximately 400 feet downstream of Atkinson Depot Road.....	*39
			Approximately 100 feet upstream of Atkinson Depot Road.....	*42
			Just downstream of Route 125.....	*46
			Just downstream of Old Danville Road.....	*48
			Just downstream of Westville Road.....	*68
			Just downstream of Boston and Maine Railroad.....	*61
			Approximately 1,750 feet downstream of Main Street.....	*65
			Approximately 750 feet downstream of Main Street.....	*70
			Approximately 200 feet downstream of Main Street.....	*74
			Just upstream of Main Street.....	*82
			Approximately 1,000 feet upstream of Main Street.....	*88
			Approximately 1,800 feet upstream of Main Street.....	*90
			Approximately 2,600 feet upstream of Main Street.....	*93
			At confluence with Kelly Brook.....	*95
			Approximately 50 feet downstream of Abandoned Bridge downstream of Kingston Road.....	*98
			Just upstream of Abandoned Bridge downstream of Kingston Road.....	*102
			Just upstream of Kingston Road.....	*103
			Just downstream of Crane Crossing Road.....	*104
			Approximately 100 feet upstream of Crane Crossing Road.....	*107
		Kelly Brook.....	Confluence with Little River.....	*95
			Approximately 1,600 feet upstream of confluence with Little River.....	*99
			Approximately 800 feet downstream of Route 125.....	*102
			Just downstream of Route 125.....	*105
			Just upstream of Route 125.....	*112
			Just downstream of Kelly Road.....	*113
			Just upstream of Kelly Road.....	*116
			Approximately 1,000 feet downstream of North Main Street.....	*120
			Approximately 400 feet downstream of North Main Street.....	*123
			Just downstream of North Main Street.....	*127
			Just upstream of North Main Street.....	*130
		Bryant Brook.....	Confluence of Little River.....	*43
			Just downstream of Boston and Main Railroad.....	*65
			Approximately 470 feet upstream of Boston and Main Railroad.....	*73
			Approximately 100 feet downstream of East Road.....	*79
			Just upstream of East Road.....	*82
Maps available at Town Hall, Plaistow, New Hampshire 03865.				
New Jersey.....	Borough of Hawthorne, Passaic County (Docket No. FEMA-5734).	Passaic River.....	Lincoln Avenue Upstream.....	*43
			Confluence with Goffle Brook.....	*44
			Upstream Corporate Limits.....	*45
		Goffle Brook.....	Wagaraw Road Downstream.....	*44
			Diamond Bridge Avenue Downstream.....	*60
			Warburton Avenue Downstream.....	*69
			Rea Avenue Downstream.....	*82
			Bailey Temporary Bridge at Goffle Hill Road Upstream.....	*106
			Lafayette Avenue Upstream.....	*113
			South Bound Ramp Rt. 208 Upstream.....	*118
			North Bound Ramp Rt. 208 Upstream.....	*120
			Rock Road Upstream.....	*133
		Deep Brook.....	Goffle Road Upstream.....	*111
			Union Street Downstream.....	*124
			Route 208 Upstream.....	*170
			Upstream Corporate Limits.....	*204
Maps available at the Municipal Building, Hawthorne, New Jersey.				
New Jersey.....	Lindenwold (Borough), Camden County FEMA-5748.	Cooper River.....	Intersection of Dana Street and Walnut Avenue.....	*66
			50 feet downstream from center of Gibbsboro Road.....	*70
		North Branch Big Timber Creek.....	50 feet upstream from center of Laurel Road.....	*32
			150 feet upstream from center of East Atlantic Avenue.....	*42
		Mason Run.....	75 feet upstream from center of Chews Landing-Clementon Road.....	*28
			50 feet downstream from center of Blackwood-Clementon Road.....	*32
Maps available at Clerk's Office, Borough Hall, 2001 Egg Harbor Road, Lindenwold, New Jersey.				
New Jersey.....	Borough of Stratford, Camden County (Docket No. FEMA-5734).	North Branch Big Timber Creek.....	Downstream Corporate Limits.....	*18
			Confluence of Quaker Run.....	*24
			Downstream of Dam near Laurel Mill Road.....	*25
			Upstream of Dam near Laurel Mill Road.....	*32
		Signey Run.....	Confluence with North Branch Big Timber Creek.....	*16
			Approximately 3,000 feet upstream of confluence with North Branch Big Timber Creek.....	*30

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Warwick Road				*44
Maps available at the Borough Hall, Stratford, New Jersey.				
New York	Campbell (Town), Steuben County, FEMA-5748.	Cohocton River	Intersection of Curtis Coopers Road and Eldred Road	*982
			150 feet upstream from center of Conrail Bridge	*1009
			200 feet upstream from State Route 333	*1016
		Meads Creek	50 feet upstream from center of westbound lanes of U.S. Highway 15.	*973
			50 feet upstream from center of Meads Creek Road	*1,077
		Unnamed Tributary to Meads Creek	Van Fleet Road approximately 1,300 feet northwest from its intersection with Meads Creek Road.	*1,170
		Michigan Creek	50 feet upstream from center of State Route 333	*1,027
			50 feet upstream from center of Burr Hollow Road	*1,072
		Unnamed Tributary to Michigan Creek	At western corporate limits	*1126
			50 feet upstream from center of State Route 333	*1011
		Wolf Run	75 feet upstream from center of County Route 415	*1,029
		McNutt Run	50 feet upstream from center of County Route 415	*1,041
		Shallow Flooding	400 feet northeast from intersection of U.S. Highway 15 and State Route 333.	#2
Maps available at the Town Clerk, Bemis Street, Campbell, New York.				
Ohio	(C) Bedford Heights, Cuyahoga County (Docket No. FEMA-5749).	Bear Creek	Approximately 110 feet downstream of Libbey Road	*1,014
			Approximately 65 feet downstream of Libbey Road	*1,016
			655 feet upstream of Libbey Road	*1,020
			Approximately 110 feet upstream of Interstate 480	*1,025
			Approximately 1,800 feet upstream of Interstate 480	*1,031
		Tinkers Creek	At western corporate limit	*907
			Just upstream of confluence of Hawthorne Creek	*915
		Hawthorne Creek	Just upstream of mouth at Tinkers Creek	*915
			Just upstream of Norfolk and Western Railway	*919
			995 feet downstream of eastern corporate limits	*925
			At eastern corporate limit	*929
Maps available at City Hall, 5661 Perkins Road, Bedford Heights, Ohio 44146.				
Ohio	Maple Heights (City), Cuyahoga County, FEMA-5748.	Mill Creek	25 feet upstream from center of Broadway Avenue	*848
			25 feet upstream from center of Lee Road	*878
Maps available at City Hall, 5353 Lee Road, Maple Heights, Ohio.				
Ohio	(C) North Royalton, Cuyahoga County (Docket No. FEMA-5702).	East Branch Rocky River	About 50 feet upstream of Bennett Road	*841
			Southern corporate limits at upstream side of Boston Road	*854
			Just downstream of Edgerton Road	*1,140
			Just upstream of Metropolitan Park Drive	*1,150
			Just upstream of Akins Road	*1,161
			About 370 feet upstream of Royalton Road	*1,189
		Baldwin Creek	Northern corporate limits at downstream side of Sprague Road	*876
			About 3,580 feet upstream of Abbey Road	*882
		Tributary R17	Just upstream of Metropolitan Park Drive	*827
			Just upstream of Edgerton Road	*830
			About 2,350 feet upstream of Edgerton Road	*837
Maps available at the City Clerk's Office, City Hall, 13834 Ridge Road, North Royalton, Ohio 44133.				
Oklahoma	City of Anadarko, Caddo County (FEMA-5757).	Washita River	Just Upstream of U.S. Highway 28	*1176
		Tributary 1	Just downstream of Central Avenue	*1186
			Approximately 150 feet downstream of U.S. Highway 62	*1176
Maps available at City Hall, 501 W. Virginia Street, Anadarko, Oklahoma 73005.				
Oklahoma	City of Pauls Valley, Garvin County (FEMA-5757).	Washita River	Just downstream of State Highway 19	*873
			Just downstream of Highway 77	*880
		Rush Creek	Just downstream of The Gulf, Colorado and Santa Fe Railroad	*860
			Just downstream of U.S. Highway 77 (Chickasaw Avenue)	*873
			Just upstream of County Road	*882
		Shallow Flooding Area (Ponding)	Intersection of U.S. Highway 77 (Chickasaw Street) and Garvin Avenue.	*871
Maps available at City Hall, 220 W. Paul Street, Pauls Valley, Oklahoma 73075.				
Pennsylvania	Aldan, Borough, Delaware County (Docket No. FI-4925).	Darby Creek	Confluence of Lobbs Run	*54
			Conrail	*57
		Lobbs Run	Confluence w/Darby Creek	*54
			Upstream side of Maryland Avenue	*83
			1,245 feet upstream Maryland Avenue	*91
Maps available at the Aldan Borough Hall, Aldan, Pennsylvania.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Pennsylvania	Cummings, Township, Lycoming County (Docket No. FEMA-5749).	Pine Creek	Downstream Corporate Limits..... CONRAIL (Upstream)..... Confluence of Little Pine Creek..... State Route 44 (Upstream)..... Upstream Corporate Limits..... Little Pine Creek..... Confluence with Pine Creek..... English Run Road (Upstream)..... Upstream Corporate Limits.....	*598 *601 *618 *624 *644 *618 *689 *780
Maps available at the residence of Margaret A. Berry, Township Secretary of Cummings, Waterville, Pennsylvania.				
Pennsylvania	Eldred, Township, Lycoming County (Docket No. FEMA-5749).	Loyalsock Creek	Downstream Corporate Limits..... Private Road (extended) 8,000' downstream of State Route 973..... Private Road (extended) 1,200' downstream of State Route 973..... State Route 973 Bridge (Upstream)..... Harvey Road (extended)..... Upstream Corporate Limits.....	*587 *581 *598 *610 *618 *623
Maps available at the Township Office, located behind the Eldred Volunteer Fire Company, Cogan Station, Pennsylvania.				
Pennsylvania	Harborcreek, Township, Erie County (Docket No. FEMA-5749).	Sixmile Creek	Confluence with Lake Erie..... 1,230 feet downstream of State Route 5..... State Route 5 (Downstream Side)..... State Route 5 (Upstream Side)..... 1,200 feet downstream of Boyer Road..... Boyer Road (Upstream Side)..... 1,100 feet upstream of Boyer Road..... 2,260 feet upstream of Boyer Road..... 3,500 feet upstream of Boyer Road..... 4,520 feet upstream of Boyer Road..... 5,530 feet upstream of Boyer Road.....	*578 *582 *597 *602 *617 *636 *648 *660 *670 *680 *689
Maps available at the Township Building, Harborcreek, Pennsylvania.				
Pennsylvania	Hollenback, Township, Luzerne County (Docket No. FEMA-5749).	Big Wapwallopen Creek	Confluence with Tributary C..... Legislative Route 40018..... Approximately 1,050' upstream of Legislative Route 40018..... Approximately 630' downstream of Legislative Route 40021..... Legislative Route 40021 Upstream..... Cataracts (Upstream approximately 200')..... Approximately 1,070' upstream from Cataracts..... Confluence with Big Wapwallopen Creek..... Tributary C..... Private Road Upstream..... Township Route 375 Upstream..... Approximately 1,190' upstream from T-375 Private Road Upstream..... Township Route 390—Culvert Outlet..... Township Route 390—Culvert Inlet..... Culvert Outlet Legislative Route 40018..... Culvert Inlet Legislative Route 40018..... County Road Upstream..... Balliet Run..... Confluence with Big Wapwallopen Creek..... Private Road Upstream..... Legislative Route 40021 Upstream.....	*758 *761 *765 *785 *797 *808 *810 *758 *768 *793 *808 *834 *841 *860 *865 *876 *797 *800 *812
Maps available at the Hollenback Fire Hall.				
Pennsylvania	Jackson, Township, Luzerne County (Docket No. FEMA-5749).	Hunsville Creek	Downstream Corporate Limits..... Upstream of Private Road..... Confluence with Browns Creek..... Upstream of Chase Road..... Upstream of Hillside Road..... Approximately 1,500 feet upstream of Hillside Road..... Upstream Private Bridge..... East Fork Harvey Creek..... Approximately 780 feet downstream of Township Route 704..... Approximately 320 feet downstream of Township Route 704..... Downstream of Township Route 704..... Upstream of Township Route 704..... Upstream of Township Route 704 (adjacent to L.R. 40059)..... Upstream of Private Bridge..... Approximately 850 feet downstream of Township Route 605..... Upstream of Township Route 605..... Drakes Creek..... Approximately 870 feet of L.R. 40059..... Downstream of L.R. 40059..... Upstream of L.R. 40059..... Upstream of Township Route 716..... Upstream of Private Road..... Upstream of Private Bridge (Adjacent to Limit of Detailed Study).....	*864 *885 *904 *918 *929 *943 *961 *858 *875 *889 *908 *938 *953 *972 *992 *939 *959 *964 *967 *980 *1,004

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD).
Maps are available at the Fire House, Jackson, Pennsylvania.				
		Browns Creek	Confluence with Huntsville Creek	*904
			Approximately 540 feet upstream of confluence with Huntsville Creek	*922
			Approximately 1,340 feet upstream of confluence with Huntsville Creek	*945
			Upstream of Private Road (Downstream of Township Route 784)	*966
			Upstream of Chase Road	*984
			Jackson Road (Extended)	*993
Pennsylvania	Township of Lycoming, Lycoming County (Docket No. FEMA-5726).	Lycoming Creek	Downstream Corporate Limits	*574
			Upstream side of U.S. Route 15	*584
			Upstream side of State Route 973	*600
			Upstream corporate limits	*618
		Hoagland Run	Confluence with Lycoming Creek	*599
			Upstream side of Township Route 661	*612
			Confluence of Tributary A	*632
			Confluence of Tributary B	*639
			Confluence with Tributary C	*644
			Upstream side of Township Route 414	*654
			Approximately 2,800 feet upstream from Township Route 414	*685
		Tributary C	Confluence with Hoagland Run	*644
			Upstream side of State Route 973	*653
			1,115 Feet upstream from State Route 973	*673
		Beautys Run	Downstream Corporate Limits	*574
			Upstream side of Private Bridge (downstream crossing)	*592
			Confluence of Tributary E	*615
			Upstream side of Private Drive	*629
			Township Route 375 (upstream side)	*651
Maps available at the Lycoming Township Municipal Building, Dauber Road, Perryville, Pennsylvania.				
Pennsylvania	Township of Newton, Delaware County (Docket No. FEMA-5734).	Crum Creek	West Chester Pike (Upstream)	*219
			Shiner Lane (Upstream)	*229
			Goshen Road (Upstream)	*244
			Upstream Corporate Limits	*285
		Darby Creek	Downstream Corporate Limits	*251
			Paper Mill Road (Upstream)	*280
			Dam (Upstream)	*288
			St. Devide Church Road	*291
		Foxes Run	Downstream Corporate Limits	*247
			Swim Club entrance (Upstream)	*280
			Approximately 1,050 feet upstream of Swim Club exit	*303
		Lewis Run	Confluence with Crum Creek	*241
			Crum Creek Road (Downstream)	*253
			Crum Creek Road (Upstream)	*256
			Battle Lane (Downstream)	*275
Maps available at the Township Building, Bishop Hollow, Ellis Avenue, Newtown Square, Pennsylvania.				
Pennsylvania	Oliver, Township, Milford County (Docket No. FEMA-5749).	Musser Run	Furnace Road	*496
			South Queen Street	*513
			Campground Road	*525
		Town Run	Corporate Limits	*527
			Legislative Route A 2764	*565
			1,310 feet upstream of Legislative Route A 2764	*581
			Legislative Route A 2764	*591
Maps available at the residence of Ms. Betty Bonson, Township Secretary, R.D. 4, Oliver, Pennsylvania.				
Pennsylvania	Pine, Township, Lycoming County (Docket No. FEMA-5749).	Little Pine Creek	Downstream Corporate Limits	*790
			Legislative Route 41021 (Upstream)	*817
			Confluence of English Run	*877
			State Route 287 (Upstream)	*900
			Confluence of Texas Creek	*1,004
		Blockhouse Creek	Confluence of Texas Creek	*1,004
		Texas Creek	Confluence with Little Pine Creek	*1,004
			State Route 284 (Upstream)	*1,009
		Otter Run	Confluence with Little Pine Creek	*790
			Legislative Route 41021 (Upstream)	*797
			Approximately 2,680 feet upstream of Legislative Route 41021	*837
		English Run	Confluence with Little Pine Creek	*877
			Township Route 776 (Upstream 40 feet)	*888
			Approximately 1,360 feet upstream of Township Route 776	*927
Maps available at the Pine Community Center, English Center, Pennsylvania.				
Pennsylvania	Upper Fairfield, Township, Lycoming County (Docket No. FEMA-5749).	Loyalsock Creek	Corporate Limits Downstream	*558
			State Route 973 Upstream	*610
			Corporate Limits Upstream	*616

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Mill Creek.....	Corporate Limits Downstream.....	*565
			5,060' upstream of Downstream Corporate Limits Private Road Upstream.....	*568
			11,258' upstream of downstream Corporate Limits Private Road Upstream.....	*614
			11,600' upstream of Downstream Corporate Limits.....	*616
	Maps available at the Upper Fairfield Township Building, by appointment, Route 87, Montoursville; Pennsylvania.			
Texas.....	City of Everman, Tarrant County (FEMA-5748).	Chambers Creek.....	Approximately 200 feet upstream of downstream crossing of Enon Avenue.....	*622
			Just upstream of Rendon Drive.....	*620
		N. Fork Chambers Creek.....	Approximately 80 feet downstream of Hansbarger Street.....	*650
			Just upstream of Race Street.....	*652
		S. Fork Chambers Creek.....	Just upstream of abandoned Railroad Bridge.....	*645
			Approximately 200 feet upstream of Race Street.....	*652
			Just upstream of Christopher Street.....	*662
	Maps available at City Tax Collector's Office, City Hall, 212 N. Race Street, Everman, Texas 76140.			
Texas.....	Unincorporated Areas of Rockwall County (FEMA-5748).	Camp Creek.....	Just upstream of State Highway 205.....	*445
			Just upstream of State Highway 552.....	*499
		Thompson Branch.....	Approximately 1,000 feet South of the County Boundary of Collin and Rockwall Counties.....	*445
		Brushy Creek.....	Just upstream of Highway 1143.....	*542
			Approximately 600 feet downstream of Interstate Highways 30 and 67.....	*568
		Long Branch.....	Just upstream of State Highway 205.....	*514
	Maps available at Rockwall County Judge's Office, Rockwall County Courthouse, Rockwall, Texas 75087.			
Texas.....	City of Saginaw, Tarrant County (FEMA-5748).	Big Fossil Creek.....	North of Intersection of Hamilton Bailey Boswell Road and Blue Mound Road.....	*659
		Little Fossil Creek.....	Just upstream of Blue Mound Road.....	*669
			Approximately 50 feet upstream of Bell Helicopter Road.....	*693
			Approximately 50 feet upstream of Atchison, Topeka and Santa Fe Railroad.....	*728
		West Fork Cement Creek.....	Just upstream of Longhorn Road (corporate limits).....	*718
	Maps available at City Administrator's Office, City Hall, 404 S. Saginaw Boulevard, Saginaw, Texas 76179.			
Texas.....	City of Wilmer, Dallas County (FEMA-5713).	Cottonwood Creek.....	Just upstream of the Confluence of Stream 4A4.....	*394
			Just upstream of Kissel College Road.....	*448
			Just upstream of Millers Ferry Road.....	*454
			Just upstream of Pleasant Run Road.....	*479
		Stream 4A1.....	Just upstream of Goode Road.....	*446
		Stream 4A2.....	Just upstream of Corporate Limits.....	*469
		Stream 4A5.....	Just upstream of West Frontage Road.....	*457
			Just downstream of Channel Dam.....	*465
			Just upstream of Channel Dam.....	*469
	Maps available at City Secretary's Office, City Hall, 219 East Bellline Street, Wilmer, Texas 75172.			
Virginia.....	Appalachia, Town, Wise County (Docket No. FEMA-5738).	Powell River.....	Downstream Corporate Limits.....	*1,610
			Louisville and Nashville Railroad.....	*1,621
			Inman Street (Upstream Side).....	*1,632
			Kilbourn Avenue (Upstream Side).....	*1,643
			Upstream Corporate Limits.....	*1,658
		Callahan Creek.....	Confluence w/Powell River.....	*1,642
			Depot Street (Upstream Side).....	*1,650
			3,537 feet upstream of State Route 78 (Callahan Avenue).....	*1,660
			Upstream Corporate Limits.....	*1,074
		Looney Creek.....	211 feet downstream of Corporate Limits.....	*1,645
			Downstream Corporate Limits.....	*1,649
			State Route 160 (Upstream Side).....	*1,677
			1,584 feet upstream of State Route 160 (at County Road).....	*1,695
			1,214 feet upstream of County Road.....	*1,722
			Upstream Corporate Limits.....	*1,774
			39.6 feet upstream of Corporate Limits.....	*1,775
		Pigeon Creek.....	Confluence w/Powell River.....	*1,015
			52.8 feet upstream of Southern Railway (at County Road).....	*1,616
	Maps available at the Municipal Building, Appalachia, Virginia.			
West Virginia.....	Town of Nutter Fort, Harrison County (Docket No. FEMA-5723).	Elk Creek.....	Downstream Corporate Limits.....	*968
			At Downstream Boundary of Norwood Park.....	*969
			Upstream Corporate Limits.....	*971
		Nutter Run.....	State Route 20 bridge upstream.....	*972

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (#NGVD).
Nutter Run Road upstream.....				*983
Upstream Corporate Limits				*989
Maps available at the Mayor's Office, 1411 Buckhannon Pike, Nutter Fork, West Virginia.				
Wisconsin	(Uninc.), Sauk County (Docket No. FEMA-5729).	Baraboo River	At County boundary	*803
			Just upstream of State Highway 33 above Linnen Mill dam	*806
			Just downstream of State Highway 113	*815
			Just upstream of City of Baraboo corporate limit	*847
			Just upstream of Heichery Road	*860
			Just upstream of the Chicago and North Western Railroad bridge which is located just upstream of the Village of Rock Springs.	*873
			Just upstream of City of Reedsburg corporate limit	*881
			Approximately 800 feet upstream of County Highway V	*888
			About 1.3 miles upstream of Village of LaValle corporate limits	*899
			Approximately 800 feet downstream of confluence of Plum Creek	*911
			Upstream county boundary	*912
		Little Baraboo River	Mouth at Baraboo River	*895
			Just upstream of State Highway 58 located about 0.64 mile upstream of mouth.	*899
			Just upstream of State Highway 58 which is located about 0.70 mile upstream of State Lane.	*915
		Narrows Creek	At upstream county boundary	*922
			Just upstream of Village of Rock Springs corporate limits	*871
			Just upstream of State Highway 154	*876
			About 1 mile downstream of Golf Course Road	*890
			Just upstream of Dunee Road	*885
			Just downstream of Pine Bluff Road	*895
			Approximately 350 feet downstream of Open View Road	*901
			Approximately 1 mile downstream of State Highway 23 and 154	*907
			Just upstream of State Highway 23 and 154	*913
			Just upstream of Village of Loganville corporate limits at State Highway 154.	*916
			Approximately 0.6 mile upstream from Village of Loganville.	*918
			Just upstream of State Highway 154 crossing located about 1.5 miles upstream of Loganville corporate limit.	*925
		Seeley Creek	Mouth at Baraboo River	*865
			Just upstream of Freedom Road	*866
			Just upstream of Cox Road	*871
			Just downstream of County Highway PF	*873
		Plum Creek	Mouth at Baraboo River	*911
			Just downstream of County Highway G crossing located about 1.64 miles upstream from mouth.	*920
			Just upstream of Private Road crossing located about 3.03 miles upstream from mouth.	*936
			Just upstream from Dreachmeier Road	*951
			Just upstream of County Highway Y located about ½ mile upstream of Dreachmeier Road.	*963
			Approximately ½ mile upstream of County Highway Y crossing which is located about ½ mile upstream from Dreachmeier Road.	*976
			Approximately 0.11 mile downstream of County Highway Y crossing which is located about 1.37 miles upstream of Dreachmeier Road.	*988
			Approximately 0.6 mile upstream of County Highway Y crossing which is located about 1.37 miles upstream of Dreachmeier Road.	*997
			About 50 feet downstream of County Highway Y crossing which is located about 1.6 miles upstream of Dreachmeier Road.	*1,001
			About 75 feet upstream of the County Highway Y crossing which is located about 1.6 miles upstream of Dreachmeier Road.	*1,006
			About 0.13 miles upstream of the County Highway Y crossing which is located about 1.6 miles upstream of Dreachmeier Road.	*1,010
			Approximately 0.58 mile downstream of Krause Road	*1,024
			About 0.34 mile downstream of Krause Road	*1,041
			Just downstream of Krause Road	*1,057
		Hay Creek	City of Reedsburg corporate limits	*880
			Just upstream of Private Road crossing located about 0.83 miles upstream of County Road V.	*886
			Just upstream of Bass Road	*900
			Just upstream of County Highway F	*909
		Honey Creek	Just upstream of State Highway 60	*742
			Just upstream of Church Road	*754
			Approximately 0.35 mile upstream of County Highway E	*763
			Just upstream of County Highway C	*770
			About 4.7 miles upstream of Factory Road	*785
			Just upstream of Mill Road	*799
			Just upstream of County Highway H	*803

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		North Branch Honey Creek.....	Mouth at Honey Creek.....	*762
			About 0.63 mile downstream of Elm Road.....	*767
			About 0.15 mile downstream of Cross Road.....	*772
			About 1.6 miles upstream of Cross Road.....	*777
			About 1.05 miles downstream of County Highway PF.....	*782
			Just upstream of County Highway PF.....	*788
			Just upstream of County Highway C.....	*783
			Just upstream of Leland Dam.....	*793
			Just upstream of the County Highway PF crossing which is located about 2 miles upstream of Leland Dam.....	*806
		Otter Creek.....	Just downstream of River Road.....	*743
			Just upstream of River Road.....	*747
			Just upstream of State Highway 60.....	*754
			Just downstream of Otter Creek Road.....	*760
			Just upstream of Guiding Road.....	*765
			About 0.5 mile upstream of Guiding Road.....	*771
			Just upstream of County Highway PF.....	*775
			About 0.5 mile upstream of County Highway PF.....	*780
			About 1.3 miles upstream of County Highway PF.....	*785
			About 0.1 mile downstream of Denzer Trail.....	*780
			About 0.5 mile upstream of Denzer Trail.....	*795
			About 0.8 mile upstream of Denzer Trail.....	*800
			About 1.3 miles upstream of Denzer Trail.....	*805
			About 0.1 mile downstream of Kietel Road.....	*810
			About 0.2 mile upstream of Kietel Road.....	*815
			About 1.2 miles upstream of Kietel Road.....	*820
			About 0.2 mile downstream of Moely Road.....	*826
			Just upstream of Moely Road.....	*828
		East Branch Honey Creek.....	Confluence with Honey Creek.....	*756
			Just upstream of County Highway PF.....	*761
			About 1.5 miles upstream of County Highway PF.....	*768
			About 0.5 mile upstream of Wenzel Road.....	*770
			About 2.0 miles upstream of Wenzel Road.....	*775
			About 2.0 miles downstream of Denzer Road.....	*778
			About 0.5 mile downstream of Denzer Road.....	*785
			About 0.15 mile downstream of Denzer Road.....	*790
			Just downstream of Denzer Road.....	*792

Maps available at Planning and Zoning Department, Sauk County Courthouse, Baraboo, Wisconsin 53913.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963)

Issued: April 3, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-12758 Filed 4-25-80; 8:45 am]

BILLING CODE 6718-03-M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1050, 1063 and 1069

[CSA Instruction 6800-16]

Uniform Federal Standards; Procurement Standards

AGENCY: Community Services
Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is implementing the Uniform Federal Standards governing grantee procurement promulgated by OMB Circulars A-102 and A-110. This standard will require grantees and delegate agencies to establish

procedures for procurement of supplies, equipment, construction and other services with Federal funds.

CSA does not deem this a significant regulation because the Uniform Federal Standard was previously published by the Office of Management and Budget and the general public had the opportunity to respond to OMB. No additional procurement standards or requirements will be imposed by CSA on grantees and delegate agencies unless specifically required by Federal statute or executive orders.

EFFECTIVE DATE: This rule is effective May 28, 1980.

FOR FURTHER INFORMATION CONTACT: Ms. Maryann J. Fair, Community Services Administration, 1200 19th

Street, NW., Washington, D.C. 20508,
Telephone (202) 254-5047,
Teletypewriter (202) 254-6218.

This rule implements the provisions of OMB Circulars A-102 and A-110 which govern grantee procurement of supplies, equipment, construction and other services—including consultant services—when Federal funds are used.

This rule also supersedes the following rule in Title 45, Chapter X: Subpart 1069.29, Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01). Policy governing this area is included in this new rule. In addition paragraphs 3(a)(3) and 3(b) and 3(c) of Subpart 1063.131 are amended to delete the requirements for prior approval of contracts for procurement of services.

Authority: The provisions of this subpart are issued under Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

William W. Allison,
Acting Director.

PART 1063—COMMUNITY ACTION AGENCIES; MISSION AND FUNCTIONS

1. 45 CFR Part 1063 is amended as follows:

§ 1063.131-3 [Amended]

(a) In § 1063.131-3(a)(3) add the following sentence at the end of the paragraph: "See Subpart 1050.160 of this Chapter for policy governing the procurement of consultant services."

§ 1063.131-3 [Amended]

(b) In § 1063.131-3(b) the first sentence is revised to read as follows: "When a standard CSA contract form is used to delegate portions or all of a component project, the contract need not be submitted to CSA for review prior to execution."

§ 1063.131-3 [Amended]

(c) § 1063.131-3(c) is revised to read as follows:

* * * * *

(c) In the following circumstances, however, all proposed contracts for the delegation of portions or all of a component project shall be submitted to CSA for review and approval prior to execution:

(1) Any contract, whether using the standard form or not, that involves the delegation of activities to a church or church-related organization.

(2) Any contract for which the standard CSA contract form is not used. Applicants are urged to request permission to modify parts of the standard form, if necessary, rather than to submit entirely new documents.

(3) Any contract involving a delegation of a component project not contemplated in the approved application.

PART 1069—GRANTEE PERSONNEL MANAGEMENT

§§ 1069.29-1—1069.29-8 (Subpart 1069.29) [Deleted]

2. 45 CFR Part 1069 is amended by deleting Subpart 1069.29, Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01).

PART 1050—UNIFORM FEDERAL STANDARDS

3. 45 CFR Part 1050 is amended by adding the following:

Subpart P—Procurement Standards

Sec.

- 1050.160-1 Applicability.
- 1050.160-2 References.
- 1050.160-3 Definition.
- 1050.160-4 Purpose.
- 1050.160-5 General responsibilities and procedures.
- 1050.160-6 Standard—Code of conduct.
- 1050.160-7 Standard—Open competition.
- 1050.160-8 Standard—Procedure.
- 1050.160-9 Method of procurement for state and local governments.
- 1050.160-10 Standard—Contract provisions.

Authority: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942)

Subpart P—Procurement Standards

§ 1050.160-1 Applicability.

This subpart applies to all grants, delegate agency agreements, and other agreements to public and private organizations/agencies under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, when such assistance is administered by the Community Services Administration.

§ 1050.160-2 References.

(a) OMB Circular A-110, Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

(b) Federal Management Circular 74-7 or OMB Circular A-102, Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments.

(c) 45 CFR Part 1050—Subpart O, Property Management Standards (CSA Instruction 6800-15).

(d) Section 213 of the Economic Opportunity Act of 1964, as amended.

(e) Section 626 of the Economic Opportunity Act of 1964, as amended.

§ 1050.160-3 Definition.

Procuring Party. The procuring party as used in this subpart means the grantee or the delegate agency, whichever is making a procurement.

§ 1050.160-4 Purpose.

The purpose of this subpart is to provide standards for use by grantees and delegate agencies in establishing procedures for the procurement of supplies, equipment, construction and other services, including consultant services, with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and executive orders.

§ 1050.160-5 General responsibilities and procedures.

(a) A procuring party may use its own procurement procedures provided that the procurements for Federal Assistance Programs conform to the standards set forth in this regulation.

(b) These standards contained in this subpart do not relieve the procuring party of the contractual responsibilities arising under its contracts. The procuring party is the responsible authority, without recourse to CSA, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant or other agreements. This includes disputes, claims, protests of award, source evaluation of other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State or Federal authority as may have proper jurisdiction.

(c) Section 626(a) of the Economic Opportunity Act as amended, states that, "Whoever, being an officer, director, agent, or employee of, or connected in any capacity with, any agency, receiving financial assistance under this Act embezzles, willfully misapplies, steals, or obtains by fraud any of the monies, funds, assets, or property which are the subject of a grant or contract of assistance pursuant to this Act, shall be fined not more than \$10,000 or imprisoned for not more than two years, or both; but if the amount so embezzled, misapplied, stolen or obtained by fraud does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year or both"

§ 1050.160-6 Standard—code of conduct.

(a) The procuring party shall maintain a code of conduct that shall govern the performance of its board members, employees, and agents engaged in awarding and administering contracts using Federal funds. The code shall provide for disciplinary actions to be applied for violations of the code.

(b) No employee, officer or agent of the procuring party shall participate in the selection or in the award or administration of a contract supported by CSA funds where to his knowledge he or his immediate family, partners, or organization in which he or his immediate family or partner has a financial interest or with whom he is negotiating or has any arrangement concerning prospective employment.

(1) The term "immediate family" includes husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law,

sister-in-law, son-in-law, and daughter-in-law.

(2) The term "financial or other interest" includes but is not limited to:

(i) Any direct or indirect financial interest in the specific contract, including a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.

(ii) Any of the following interests in the business with which the procuring party is contracting: Ownership; partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in a managerial capacity; or membership on the board of directors or governing body.

(c) The board members, employees, or agents of the procuring party shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

§ 1050.60-7 Standard—open competition.

(a) All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

(b) The procuring party should be alert to organizational conflicts of interest or noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Examples of what is considered to be restrictive of competition include, but are not limited to: (1) Placing unreasonable requirements on firms in order for them to qualify to do business, (2) non-competitive practices between firms, (3) organizational conflicts of interest, and (4) unnecessary experience and bonding requirements. In particular, a contractor that develops or drafts specifications, requirements, a statement of work, an invitation for bids and/or a request for proposals for a particular procurement by a nongovernmental procuring party should be excluded from competing for that procurement.

(c) Solicitations shall clearly set forth all requirements that the bidder/offeror must fulfill in order for the bid/offer to be evaluated.

(1) Awards shall be made to the responsible bidder/offeror whose bid/offer is responsive to the solicitation and is most advantageous to the procuring party, price and other factors considered.

(2) Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid. Any and all bids/offers may be rejected when it is in the procuring party's interest to do so and, in the case

of governmental procuring parties, such rejections are in accordance with government's applicable law, rules, or regulations.

§ 1050.160-8 Standard—procedures.

The procuring party shall establish written procurement procedures which provide for, at a minimum, the following:

(a) Proposed procurement actions shall follow a procedure to assure that unnecessary or duplicative items are not purchased. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement. To foster greater economy and efficiency public grantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(b) Solicitations for goods and services shall be based upon a clear and accurate description of the technical requirements for the material, product or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by bidders/offerors shall be clearly specified.

(c) The following affirmative steps shall be taken to assure that small and minority businesses are utilized when possible as sources of supplies, equipment, construction, and services. These steps include:

(1) Including qualified small and minority businesses on solicitation lists.

(2) Assuring that small and minority businesses are solicited whenever they are potential sources.

(3) When economically feasible, dividing total requirements into smaller tasks or quantities so as to permit maximum small and minority business participation.

(4) Where the requirement permits, establishing delivery schedules which will encourage participation by small and minority business.

(5) Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise, of the Department of Commerce and the Community Services Administration as required.

(6) If any subcontracts are to be let, requiring the prime contractor to take the affirmative steps listed above.

(d) The procuring party shall take similar appropriate affirmative action in support of women's business enterprises.

(e) The procuring party is encouraged to procure goods and services from labor surplus areas.

(f) The type of procuring instruments used, e.g., fixed-price contracts, cost reimbursable contracts, purchase orders, incentive contracts, shall be determined by the procuring party but must be appropriate for the particular procurement and for promoting the best interest of the grant project or program involved. The "cost-plus-a-percentage-of-cost" and percentage of construction cost methods of contracting shall not be used.

(g) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.

(h) Any proposed sole source contract, or proposed contract where only one bid or proposal is received by a nongovernmental procuring party, shall be subject to prior approval by the appropriate CSA administering office if the aggregate expenditure is to exceed \$5,000 in a 12 months period.

(i) Any proposed sole source contract, or proposed contract where only one bid or proposal is received by a governmental procuring party shall be subject to prior approval by the CSA administering office if the procurement is expected to exceed \$10,000. For governmental entities prior approval also is required if the procurement is expected to exceed \$10,000 and specifies a brand name product or the procuring party's procedures or operation fails to comply with one or more significant aspects of this rule. If the latter situation exists the CSA administering office will notify the grantee in writing with a copy to the Office of Federal Procurement policy.

(j) The procuring party should make some form of price or cost analysis in connection with every negotiated procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indices together with discounts. Cost analysis is the review and evaluation of each element of cost proposed by the offeror to determine reasonableness, allocability and allowability. Costs or prices based on estimated costs for contracts shall be

allowed only to the extent that cost incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

(k) Grantees shall maintain records sufficient to detail the significant history of a procurement. These records shall include, but are not necessarily limited to, information pertinent to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the cost or price.

(l) A system for contract administration shall be maintained to ensure contractor conformance with terms, conditions, and specifications of the contract, and to ensure adequate and timely follow-up of all purchases.

§ 1050.160-9 Method of procurement for State and local governments.

Procurement under grants shall be made by one of the following methods: Small purchase procedures; competitive sealed bids (formal advertising); competitive negotiation; and/or noncompetitive negotiation.

(a) *Small purchase procedures* are those relatively simple and informal procurement methods that are sound and appropriate for a procurement of services, supplies or other property, costing in the aggregate not more than \$10,000. Grantees shall comply with State or local small purchase dollar limits under \$10,000. If small purchase procedures are used for a procurement under a grant, price or rate quotations shall be obtained from an adequate number of qualified sources.

(b) In competitive sealed bids (formal advertising), sealed bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price.

(1) In order for formal advertising to be feasible, appropriate conditions must be present, including, as a minimum, the following:

(i) A complete, adequate and realistic specification or purchase description is available.

(ii) Two or more responsible suppliers are willing and able to compete effectively for the grantee's business.

(iii) The procurement lends itself to a firm-fixed-price contract, and selection of the successful bidder can appropriately be made principally on the basis of price.

(2) If formal advertising is used for a procurement under a grant, the following requirements shall apply.

(i) A sufficient time prior to the date set for opening of bids, bids shall be

solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.

(ii) The invitation for bids, including specifications and pertinent attachments, shall clearly define items or services needed in order for the bidders to properly respond to the invitation.

(iii) All bids shall be opened publicly at the time and place stated in the invitation for bids.

(iv) A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the grantee indicates that such discounts are generally taken.

(v) Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

(c) In competitive negotiation, proposals are requested from a number of sources and the request for proposal is publicized, negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

(1) Proposal shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The request for proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.

(2) The request for proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.

(3) The grantee shall provide mechanisms for technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.

(4) Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.

(5) Grantees may utilize competitive negotiation procedures for procurement of Architectural/Engineering professional services, whereby competitor's qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.

(d) Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is feasible under small purchase, competitive bidding (formal advertising) or competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

(1) The item is available only from a single source;

(2) Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation;

(3) The Federal grantor agency authorizes noncompetitive negotiation; or

(4) After solicitation of a number of sources, competition is determined inadequate.

(e) Additional innovative procurement methods may be used by grantees with the approval of the appropriate CSA administering office.

§ 1050.160-10 Standard—contract provisions.

The requirements relate to provisions that must be included in contracts for procurements that are subject to this regulation. The term "contracts" in this section shall be construed as including subcontracts.

(a) *Administrative Remedies for Violations.* Contracts in excess of \$10,000 shall contain contractual provisions or conditions that will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for such remedial actions as appropriate.

(b) *Termination Provisions.* Contracts in excess of \$10,000 shall contain suitable provisions for termination by the procuring party, including the manner by which termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) *Bonding Requirements.* In all contracts for construction or facility

improvement awarded by a nongovernmental procuring part (A-110 only) for more than \$100,000, the recipient shall observe the bonding requirements provided for in 45 CFR Part 1050, Subpart C.

(d) *Executive Order 11246*. All contracts in excess of \$10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations (41 CFR Part 60).

(e) *Davis-Bacon Act*. All construction contracts in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Department of Labor Regulations (29 CFR Part 5). Under this Act contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less often than once a week. The grantee shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon acceptance of the wage determination. All suspected or reported violations shall be reported to CSA by the grantee.

(f) *Copeland Act*. All contracts or subcontracts in excess of \$2,000 for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor or subgrantee shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. All suspected or reported violations shall be reported to CSA by the grantee.

(g) *Contract Work Hours and Safety Standards Act*. All contracts awarded by grantees and subgrantees in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic

and laborer on the basis of a standard work day of 8 hours and a standard workweek of 40 hours. Work in excess of the standard work day or workweek is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(h) *Inventions and Patents*. Contracts or subcontracts which may give rise to inventions or patents shall contain a notice to the effect that matters regarding rights to inventions and materials generated under the contract or agreement are subject to the regulations issued by CSA and the grantee. The contractor shall be advised as to the source of additional information regarding these matters.

(i) *Access to Records*. All negotiated contracts (except those of \$10,000 or less) awarded by a nongovernmental procuring party and all negotiated contracts (except those awarded by small purchases procedures) which are made by a public procuring party, shall include a provision to the effect that the procuring party, the Community Services Administration, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(j) *Clean Air Act*. Contracts and subcontracts of amounts in excess of \$100,000 shall contain a provision that requires the procuring party to agree to comply with all applicable standards, order or regulations, issued pursuant to the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended. Violations shall be reported to the Community Services Administration and the U.S. Environmental Protection

Agency Assistant Administrator for Enforcement.

(k) *Energy Conservation Act*. Contracts shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-165).

[FR Doc. 80-12864 Filed 4-25-80; 8:45 am]

BILLING CODE 6315-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 73 and 74

Reregulation and Rules Oversight of Radio and TV Broadcasting; Editorial Revisions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC amends its regulations relating to radio and TV broadcasting to make editorial corrections of cross references and typographical errors, delete obsolete dated notes, and add correct citations to Federal Register and *FCC Report* citations to FCC policy documents.

EFFECTIVE DATE: April 30, 1980.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Crane, Philip Cross, John Reiser, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: March 26, 1980.

Released: April 21, 1980.

By the Chief, Broadcast Bureau:

1. This *Order* accomplishes certain editorial corrections and revisions in the rules for stations in the broadcast and broadcast auxiliary services, and is necessary for the following reasons:

A. To conform rule section numbers given as cross references to the correct rule numbers.

B. To correct typographical errors appearing in either Title 47 of the Code of Federal Regulations as printed in the Federal Register or in Volume III of the FCC Rules published by the Government Printing Office.

C. To add Federal Register or FCC Report citations to certain rules referencing FCC policies.

D. To delete certain rule paragraphs which are no longer effective either due to past dates or superceding rule amendments.

The editorial revisions being made do not change the substantive texts, purpose, or application of the amended

rules, or remove any provisions relied upon by licensees or the public.

2. We conclude that adoption of the editorial amendments shown in the attached Appendix will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 553(b)(3)(B), inasmuch as these amendments impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

3. Therefore, IT IS ORDERED, That pursuant to Sections 4(i), 303(r), and 5(d)(1) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, Parts 73 and 74 ARE AMENDED as set forth in the attached Appendix, effective April 30, 1980.

4. For further information concerning this Order contact Steve Crane, Philip Cross, or John Reiser, Broadcast Bureau, (202) 632-9660.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

Appendix

§ 73.45 [Amended]

1. In § 73.45, the phrase "(see § 73.45)" in the first sentence of paragraph (c) is corrected to read "(see § 73.54)" and paragraph (d) is deleted as it is an erroneous partial duplication of paragraph (d) of § 73.43.

2. In § 73.140, paragraph (c)(2) is deleted in its entirety and marked Reserved.

§ 73.140 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

* * * * *

(2) [Reserved]

* * * * *

3. In § 73.267 paragraph (c)(3)(i) and (c)(3)(iii) are corrected as follows:

§ 73.267 Determining operating power.

* * * * *

(c) * * *

* * * * *

(3) * * *

(i) Using the most recent measurement data for calibration of the transmission line meter according to the procedures described in paragraph (b) of this Section or the most recent measurements made by the licensee

establishing the value of F in the case of composite transmitters or those in which the final amplifier stages have been modified pursuant to FCC approval, the licensee must furnish the FCC and also retain with the station records the measurement data used as a basis for determining the value of F .

* * * * *

(iii) Using the transmitter manufacturer's measurement data submitted to the FCC for type acceptance and as shown in the instruction book supplied to the licensee.

4. In Part 73, Subpart B, the headnote for § 73.276 is reinserted before the rule text which was printed immediately following paragraph (c) of § 73.275.

§ 73.276 Extension meters.

See § 73.1550.

5. The headnote of § 73.333 is amended to read as follows:

§ 73.333 FM engineering charts.

* * * * *

6. In § 73.340, paragraph (c)(2) is deleted and marked "Reserved."

§ 73.340 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

(2) [Reserved]

* * * * *

§ 73.501 [Amended]

7. In § 73.501, paragraph (b), the phrase "in Note 3 to Section 1.573" in the penultimate sentence is corrected to read "in the Note at the end of § 73.3573."

8. In § 73.508, paragraph (b), the word "designated" is corrected to read "designed."

9. In § 73.540, paragraph (c)(2) is deleted and marked "Reserved."

§ 73.540 Use of automatic transmission systems (ATS).

* * * * *

(c) * * *

* * * * *

(2) [Reserved]

* * * * *

§ 73.565 [Amended]

10. In § 73.565, the reference in paragraph (a) to § 73.574 is corrected to read "§ 73.1550."

11. In Part 73, Subpart C, § 73.573 is reinserted to read as follows:

§ 73.573 Emergency antennas.

See § 73.1680.

12. In § 73.682, paragraph (a)(5) is corrected to read as follows:

§ 73.682 Transmission standards.

(a) * * *

* * * * *

(5) The chrominance subcarrier frequency is 63/88 times precisely 5 MHz (3.57954545 . MHz). The tolerance is ± 10 Hz and the rate of frequency drift must not exceed 0.1 Hz per second (cycles per second squared).

* * * * *

13. In § 73.687, paragraph (b)(4) is amended and paragraph (f) is deleted and marked Reserved as follows:

§ 73.687 Transmission system requirements.

* * * * *

(b) * * *

* * * * *

(4) The transmitting system output noise level (frequency modulation) in the band of 50 to 15,000 Hz must be at least 55 dB below the audio frequency level representing 100% modulation (frequency deviation of ± 25 kHz). For the purposes of these measurements, the visual transmitter should not be in operation since the exact amount of noise possible from the visual transmitter is not known.

* * * * *

(f) [Reserved]

* * * * *

§ 73.1213 [Amended]

14. In § 73.1213, paragraph (a) is corrected by changing the word "Marketing" to read "Marking."

15. In § 73.1020, paragraph (a)(16) is amended to read as follows:

§ 73.1020 Station license period.

(a) * * *

* * * * *

(16) Alaska, American Samoa, Guam, Hawaii, Oregon, and Washington; February 1, 1981.

* * * * *

16. In § 73.1940, the last sentence of paragraph (d) is amended to read as follows:

§ 73.1940 Broadcasts by candidates for public office.

* * * * *

(d) * * *

See §§ 73.3526 and 73.3527

§ 73.4070 [Amended]

17. Section 73.4070 (Commercials, False, misleading and deceptive) is amended by adding the citation "74 FCC 2d 623" to the end of the existing text of paragraph (a).

§ 73.4090 [Amended]

18. Section 73.4090 (Coverage maps, Use by licensees) is amended by adding the citation "74 FCC 2d 617" to the end of the existing text.

§ 73.4135 [Amended]

19. Section 73.4135 (Interference to TV reception by FM stations) is amended by adding the citation "74. FCC 2d 619" to the end of the existing text.

§ 73.4170 [Amended]

20. Section 73.4170 (Obscene lyrics) is amended by adding the citation "74 FCC 2d 613" to the end of the existing text.

21. In § 74.15, the headnote and paragraph (d)(14) are amended to read as follows:

§ 74.15 Station license period.

* * * * *

(d) * * *

* * * * *

(14) For stations located in Alaska, American Samoa, Guam, and Hawaii; April 1, 1979.

* * * * *

§ 74.401 [Amended]

22. In § 74.401, paragraph (a)(6); the frequency value "450.50" is corrected to read "450.150."

23. In § 74.451, paragraph (a) is amended to read as follows:

§ 74.451 Type acceptance of equipment.

(a) Applications for new remote pickup broadcast stations or systems or for changing transmitting equipment of an existing station will not be accepted unless the transmitters to be used have been type accepted by the FCC pursuant to the provisions of this Subpart, or have been type accepted for licensing under Parts 21 or 90 of the FCC rules and do not exceed the output power limits specified in § 74.461(b).

* * * * *

24. In § 74.966, the introduction of paragraph (b) is corrected to read as follows:

§ 74.966 Operator requirements.

* * * * *

(b) Except when under the immediate supervision of a first-class or second-class radiotelephone licensed operator, a person holding any other class of commercial radio operator license or permit may perform only the following operating functions:

(1) * * *

* * * * *

[FR Doc. 80-13063 Filed 4-25-80; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION**Federal Highway Administration****49 CFR Part 395**

[BMCS Docket No. MC-91; Amdt. No. 79-4]

Hours of Service of Drivers

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Federal Motor Carrier Safety Regulations (FMCSR) to provide an exemption from the log requirements to permit certain motor carriers and their drivers to participate in a test program using modified tachograph charts or modified carrier documents in lieu of the driver's logs. A description of the program is contained in a BMCS Notice published in this issue of the Federal Register. This program will be in effect for 11 months. **EFFECTIVE DATE:** May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, Regulations Division, Bureau of Motor Carrier Safety (202) 426-9767, or Mr. Gerald Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This document grants participants in the test program, being conducted under contract by Chilton Company, Radnor, Pennsylvania, limited exemption from the provisions of §§ 395.8 and 395.9 of the FMCSR. The carriers named in the above referenced Federal Register notice are authorized to use modified tachograph charts or modified carrier documents in lieu of the currently authorized driver's logs.

The test program will be in effect for 11 months beginning May 1, 1980.

If after the test program is completed and it is determined that the alternative methods have merit, a Notice of Proposed Rulemaking will be issued to give interested persons the opportunity to comment on adoption of those alternative methods.

This amendment is issued to permit participation in a test program by a limited number of persons and for a limited period of time. The test program is being conducted to reduce driver burden and to determine the evidentiary value and economic feasibility of monitoring driver compliance with the hours of service rules in the FMCSR by means other than the log.

The amendment is being issued in final form without notice and opportunity to comment because it is not anticipated that such action would result in the receipt of useful information. The anticipated economic impact of this amendment and the test program provided for is so minimal as to not require preparation of a full regulatory evaluation at this time. Should the test program indicate that revisions of a permanent nature should be considered to the current log requirements, those revisions will be the subject of further evaluation.

Note.—The Federal Highway Administration has determined that this document does not contain a significant regulation under the criteria established by the Department of Transportation pursuant to Executive Order 12044.

In accordance with the foregoing and under the authority of 49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48, and 49 CFR 301.60, 49 CFR 395.8 and 395.9 are amended as set forth below.

1. Section 395.8(t)(4) is revised to read as follows:

§ 395.8 Driver's daily log.

(t) * * *

(4) *Tachograph charts and modified carrier documents.* On and after May 1, 1980, and before April 1, 1981, so much of this section as requires motor carriers and drivers to make, file and retain daily logs on Form MCS-59 does not apply to a designated motor carrier or driver for a designated motor carrier when that driver or carrier is participating in the test program in accordance with the terms, conditions, and limitations set forth in Notice No. 80-2 published in the Federal Register April 28, 1980 by the Bureau of Motor Carrier Safety.

2. Section 395.9 is amended by adding the following Subparagraph (x) as follows:

§ 395.9 Driver's multi-day log.

* * * * *

(x) *Tachograph charts and modified carrier documents.* On and after May 1, 1980, and before April 1, 1981, so much of this section as requires motor carriers and drivers to make, file, and retain multi-day logs on Forms MCS-139 and MCS-139A, does not apply to a designated motor carrier or a driver for a designated motor carrier when that driver or carrier is participating in the test program in accordance with the terms, conditions, and limitations set forth in Notice No. 80-2 published in the Federal Register April 28, 1980 by the Bureau of Motor Carrier Safety.

Issued on: April 23, 1980.

Robert A. Kaye,
Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-13050 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Commission Organization; Delegations of Authority

AGENCY: Interstate Commerce
Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its Organization Rules which delegate authority to the Chairman of the Commission to grant administrative stays of Commission decisions. The Chairman must now give notice to all Commissioners that he or she is entertaining a stay request and advise all Commissioners of his or her action on each petition for a stay. Individual Commissioners now have the explicit right to request consideration of the Chairman's stay decisions by the entire Commission. In the past, individual Commissioners have not had an effective means of bringing stay decisions by the Chairman before the entire Commission. This action is being taken to ensure that the Chairman's stay decisions are agreeable to a majority of the Commission before becoming final. Because these rules involve the internal organization and procedures of the Commission, they are issued in final form, and public comments are not being requested.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION CONTACT:
Richard Armstrong (202) 275-7046.

§ 1011.5 [Amended]

We amend 49 CFR 1011.5 by adopting a new paragraph (e) which reads as follows:

* * * * *

(e) The Chairman shall give notice to all Commissioners that a petition for a stay has been referred to him or her for disposition pursuant to the delegation of authority in paragraphs (a)(2) and (a)(3) of this section. The Chairman shall also advise all Commissioners of his or her decision on the petition. At the request of a Commissioner, made at any time before the Chairman's decision is served, the petition will be referred to the Commission for decision.

This action does not affect significantly the quality of the human environment or energy consumption.

Issued under the authority of 49 U.S.C. 10305 and 10321, and 5 U.S.C. 553.

Decided: April 10, 1980.

By the Commission, Chairman Gaskins,
Vice-Chairman Gresham, Commissioners
Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12996 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1241

[No. 37346]

Revision to Reporting Requirements for Refrigerator Car Lines and Private Car Lines

AGENCY: Interstate Commerce
Commission.

ACTION: Final rule.

SUMMARY: This rule revises and simplifies the annual reporting requirements of refrigerator car lines and private car lines. Annual Report Form B-1 (Refrigerator Car Lines Owned Or Controlled By Railroad Companies) will be eliminated. All refrigerator car lines will file the revised version of Annual Report Form C-1 prepared by the Commission's Data Task Force. Annual Report Form C-1 can be used by both refrigerator car lines and private car lines.

DATES: Effective for the reporting year beginning January 1, 1980.

ADDRESSES: Send comments to:
Office of Secretary, Interstate
Commerce Commission, Washington,
D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: On May 1, 1979, the Commission approved the policy statement on financial and statistical reporting. The new reporting policy is aimed at improving the Commission's system for collecting, processing, and publishing information and reducing or eliminating the reporting burden imposed by our regulations on industry and the public. Under the new policy all annual, special and periodic reports will require disclosure of only that data which is used internally on a regular basis to fulfill regulatory responsibilities.

To implement this new reporting policy, the Commission's data task force (DTF) reviewed all financial and statistical reports and assessed the

usefulness of the data included in these reports.

The DTF reviewed Annual Report Form B-1 and determined that Form B-1 was no longer needed and should therefore be eliminated. Instead the DTF recommended that refrigerator car lines file the revised version of Annual Report C-1 prepared by the DTF. Refrigerator car lines would complete only one column of data on this report.

At the same time, refrigerator car lines will continue to maintain the uniform system of accounts (49 CFR Part 1205) and to file, as part of the oath and annual certification (Appendix C) stating that their records are being maintained in accordance with 49 CFR Part 1205. This requirement is necessary because refrigerator car lines periodically file protective service contracts for Commission approval. These contracts are based in part on the accounting system. Also, the system is useful in evaluating rate increases. By continuing to maintain the USOA, refrigerator car lines participating in these proceedings will provide uniform data when needed.

The Commission supports this recommendation of the data task force for the following reasons:

—The revised Annual Report Form C-1 will continue to provide essential information for both refrigerator car lines and private car lines;

—The revised Annual Report Form C-1 will reduce the carrier's reporting burden and will provide an adequate source of information at minimal cost to the Commission; and

—Refrigerator car lines owned or controlled by railroad companies will still be required to maintain the Uniform System of Accounts (49 CFR Part 1205) so that uniform financial and statistical data can be reported when needed.

This reporting requirement shall apply to all refrigerator car lines and private car lines beginning January 1, 1980.

The Commission finds that this revision does not require a rulemaking proceeding pursuant to Section 553 of the Administrative Procedure Act (5 U.S.C. 553). The rules involved are procedural in nature and revisions will actually lessen the reporting requirements for all refrigerator car lines and private car lines. However, in keeping with our belief that any rule can benefit from public scrutiny, we are requesting that the public study the rule and report any suggested changes. If the Commission concludes after reviewing the comments that it is necessary to make changes in the final rule, a further notice will be published in the Federal Register identifying the changes made.

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources.

We adopt the changes to 49 CFR Part 1241 set forth in Appendix A to this notice and the revisions to Annual Report Form C-1 set forth in Appendix B to this notice.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. The regulations shall apply to the reporting of data for calendar year 1980 provided that the Comptroller General of the United States finds that they comply with the Federal Reports Act.

Decided April 14, 1980.

By the Commission, Chairman Gaskins,
Vice Chairman Gresham, Commissioners
Stafford, Clapp, Trantum and Alexis.

Agatha L. Mergenovich,
Secretary.

Appendix A

1. Revise § 1241.70 to read as follows:

§ 1241.70 Annual reports of refrigerator car lines and persons furnishing cars to railroads.

All refrigerator car lines and persons furnishing cars to railroads, which own or operate 10 or more cars, are required to file Form C-1 (Annual Reports Of Private Car Lines and Refrigerator Car Lines). Two copies of the report shall be filed with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 90 days of the close of the reporting period.

All refrigerator car lines subject to 49 U.S.C. 11144 and 11145, are required to file an annual certification, as part of the oath, stating that their company's books and records are being maintained in accordance with the uniform system of accounts for refrigerator car line companies (49 CFR Part 1205). Two copies of this certification shall be filed with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 90 days of the close of the reporting period.

§ 1241.71 [Deleted]

2. Delete § 1241.71 Annual reports of persons furnishing cars, other than refrigerator car lines owned or controlled by railroad companies.

BILLING CODE 7035-01-M

ANNUAL REPORT FORM C-1

PRIVATE CAR AND REFRIGERATOR CAR LINES REPORT

APPENDIX B

Line No.	Item (a)	Refrigerator Cars (b)	Petro-leum (c)	Tank Cars (specify) (d)	Box Car Equipped (e)	Un-equipped (f)	TOFC Cars (g)	Gondola & open top hopper cars (h)	Other* cars (i)	Covered Hopper 4000 cu ft or more (j)	Total (l)
1	Investment in cars at close of year										
2	Inventory of Rolling Stock										
3	Number owned at beginning of year										
4	Number acquired during the year										
5	Aggregated capacity of cars acquired in tons										
6	Number retired during the year										
7	Aggregate capacity of cars retired										
8	Total Cars Owned at Close of Year										
9	Aggregate capacity of units reported, in tons of 2,000 pounds, December 31										
10	Unserviceable cars at close of year										
11	Miles Made by Cars Owned by Respondent										
12	Loaded										
13	Empty										
14	Not separable										
15	Total										
16	Revenues from Car Service										
17	Car mileage basis										
18	Car rental basis										
19	Other car service basis										
20	Total										
21	Cars Leased to Railroads										
22	Railroads										
23	All others										
24	Total										
25	Fuel used by refrigerated cars (gallons):										

* Specify the basic types and number of each type owned at close of year:

BILLING CODE 7095-01-C

Appendix C

Refrigerator Car Lines Certification

(To be made by refrigerator car lines only)

I, _____
(Name and Title of officer in charge of accounts)
of the Company _____

(Full name of reporting company)
state that the books and records of the company are being maintained in accordance with the Uniform System of Accounts (49 CFR Part 1205).

(Signed)

(Date)
[FR Doc. 80-12866 Filed 4-25-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

Groundfish of the Gulf of Alaska; Bering Sea and Aleutian Islands Groundfish Fishery, Apportionment of Reserve Amounts

AGENCY: National Oceanic and Atmospheric Administration, (NOAA)/ Department of Commerce.

ACTION: Final regulation; apportionment of reserve amounts; response to comments.

SUMMARY: This notice announces the apportionment of reserve amounts of fish that were eligible on March 2, 1980 in the Gulf of Alaska for apportionment to the total allowable level of foreign fishing (TALFF) in accordance with provisions of the fishery management plan (FMP) for Groundfish of the Gulf of Alaska [see 44 FR 64410, 50 CFR 611.92(b)(1)(ii) and 672.20(c)] and implementing regulations. It further announces the retention of reserves that were eligible for apportionment on April 2, 1980, in the Bering Sea/Aleutian Islands in accordance with provisions of the preliminary fishery management plan (PMP) for the Bering Sea and Aleutian Islands Groundfish Fishery [see 45 FR 1028, 50 CFR 611.93(b)(3)(iii)] and implementing regulations. These respective FMP and PMP regulations apply to (1) U.S. and foreign vessels fishing for groundfish in the Gulf of Alaska and (2) vessels of foreign nations fishing for groundfish in the Bering Sea/Aleutian Islands.

EFFECTIVE DATE: April 25, 1980.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802; Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION:**I. Background**

Because of uncertainties about specifications of U.S. domestic annual harvest, including the extent to which U.S. vessels delivering to U.S. and foreign processors would harvest groundfish, the FMP and PMP established reserves of fish in the Gulf of Alaska and in the Bering Sea/Aleutian Islands which could be apportioned to domestic annual harvest (DAH) or, if U.S. vessels did not harvest at anticipated levels, to the total allowable level of foreign fishing (TALFF).

On September 7, 1979, and January 4, 1980, the Secretary of Commerce published approved amendments to the FMP and PMP respectively, that established initial amounts of TALFF, DAH, and reserves for the respective fishing years. Amounts of DAH were determined by surveys conducted by the National Marine Fisheries Service and by the North Pacific Fishery Management Council (Council). Reserves were established to assure that an adequate supply of fish was available to U.S. vessels wishing to sell U.S.-caught fish to U.S. processors or to foreign processors at sea (joint ventures). Regulations implementing these amendments were effective November 1, 1979, and January 1, 1980, for the FMP and PMP, respectively.

II. Determination of Amount of Reserve Release

In accordance with regulations implementing (1) the FMP [611.92(b)(1)(ii) and 672.20(c)] and (2) the PMP, [611.93(b)(3)(iii)], the Regional Director has determined that:

1. Certain amounts of the reserves of all species in the Gulf of Alaska, except sablefish in all areas and "other rockfish" in the western and central regulatory areas, should be apportioned to TALFF.

2. The remaining reserves of all species in the Gulf of Alaska that were eligible for apportionment on March 2, 1980, should be retained as reserves.

3. Reserves eligible for apportionment on April 2, 1980, in the Bering Sea/Aleutian Islands should be retained at this time.

In making this determination, the Regional Director considered the need for DAH in the Gulf of Alaska and in the

Bering Sea/Aleutian Islands to be supplemented with reserves. Present 1980 U.S. harvests for all species in the Gulf of Alaska have been minimal. The Regional Director has concluded that certain amounts of the reserves in the Gulf of Alaska, except as noted below, will not be required to supplement DAH and should be apportioned to TALFF. He further concluded, however, that because of the uncertainty in the amounts that will be caught by U.S. fishermen the remaining reserves should be retained until at least the next apportionment date, May 2, 1980, when the adequacy of DAH can be evaluated further.

The rapid expansion of the U.S. sablefish fishery in the eastern regulatory area in recent years and the small quantities of sablefish and other rockfish available in the central and western areas make it inappropriate to apportion the reserves of those species in those areas to TALFF at this time.

In the Bering Sea/Aleutian Islands U.S. fishermen have caught a large portion of some of the amounts designated for joint venture processing (JVP) in a U.S.-Soviet joint venture. A U.S.-South Korea joint venture is scheduled to begin here in late April. In addition, deliveries of groundfish to U.S. processors are expected to increase with the commencement of better weather and the termination of various crab fisheries which may result in additional U.S. vessels entering the groundfish fisheries. It is therefore inappropriate to apportion eligible reserves to TALFF at this time because DAH may need to be supplemented.

Amounts of reserves (thousands of metric tons) in the Gulf of Alaska that are being apportioned to TALFF or retained as reserves are summarized in the following table:

Mar. 2, 1980, Reserve Apportionment (Thousands of Metric Tons) to TALFF and/or Retained by Gulf of Alaska Regulatory Area

Species	Western	Central	Eastern	Total
Pollock:				
Apportioned	2.85	4.76	0.63	8.44
Retained	5.7	9.52	1.68	10.88
Pacific cod:				
Apportioned	0.828	1.677	0.495	3.0
Retained	1.656	3.354	0.99	6.0
Flounders:				
Apportioned	0.52	0.735	0.42	1.675
Retained	1.04	1.47	0.84	3.35
Pacific Ocean Perch:				
Apportioned	0.135	0.395	0.72	1.25
Retained	0.27	0.79	1.44	2.5
Other Rockfish:				
Apportioned	0	0	0.325	0.325
Retained	0.06	0.16	0.65	0.87
Sablefish:				
Apportioned	0	0	0	0
Retained	0.315	0.57	1.42	2.305
Atka Mackerel:				
Apportioned	0.234	1.042	0.159	1.435
Retained	0.468	2.083	0.319	2.87

Mar. 2, 1980, Reserve Apportionment (Thousands of Metric Tons) to TALFF and/or Retained by Gulf of Alaska Regulatory Area—Continued

Species	Western	Central	Eastern	Total
Squid:				
Apportioned	0.05	0.1	0.1	0.25
Retained	0.1	0.2	0.2	0.5
Rattails:				
Apportioned	0.165	0.355	0.14	0.66
Retained	0.33	0.71	0.28	1.32
Idiot Rockfish:				
Apportioned				0.188
Retained				0.374
Other Species:				
Apportioned	0.22	0.43	0.16	0.81
Retained	0.44	0.86	0.32	1.62

III. Response to Public Comments

One comment was received that addressed both the Gulf of Alaska and Bering Sea/Aleutian Island reserves, another comment addressed just the Bering Sea/Aleutian Island reserves. They are summarized and responded to below:

Comment: Eligible reserves of sablefish and Pacific cod in each regulatory area of the Gulf of Alaska and eligible reserves of sablefish, Pacific cod, and turbot in the Bering Sea/Aleutian Islands should be apportioned to TALFF.

Comment: All eligible reserves in the Bering Sea/Aleutian Islands should be apportioned to TALFF.

Response to both comments: No sablefish reserves in any regulatory area or "other rockfish" in the western or central regulatory areas of the Gulf of Alaska will be apportioned to TALFF because of the expectation that these reserves will be needed to supplement DAH. Certain amounts of the total reserves of all other species are being apportioned to TALFF. The remaining reserves are being retained until at least May 2, 1980, because of the uncertainty of the adequacy of DAH. No reserve of any species in the Bering Sea/Aleutian Islands will be apportioned to TALFF because they are expected to be needed to supplement DAH for the reasons stated in section II.

IV. Other Matters

Environmental impact statements were prepared for the FMP and PMP and are on file with the Environmental Protection Agency (EPA). Negative assessments of environmental impact prepared for the reserve release provisions of the FMP and PMP are also on file with the EPA.

The Regional Director has determined that these regulations should be effective immediately for the following reasons:

A. The regulations implementing the

FMP provide adequate advance notice and invite public comment on this action;

B. No regulatory restrictions are imposed on any person as a result of this action;

C. This action relates to the extension of a benefit; and

D. Immediate implementation is required to achieve full utilization of the fishery resources concerned (any determinations to waive, and appropriate reasons, must be stated for each apportionment). This action is not significant in relation to criteria prescribed by Executive Order 12044, and a regulatory analysis is not required.

Signed at Washington, D.C., this 22 day of April 1980.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

Authority: 16 U.S.C. Section 1801 *et seq.*

(A) 50 CFR 672.20 and 50 CFR 611.92 are amended by revising Table 1—OY-DAH-DAP-JVP-Reserve—and TALFF by Regulatory Area of paragraphs (a) and (b), respectively, with changes shown in the attached Table 1.

Table 1.—OY-DAH-DAP-DNP-JVP-Reserve and TALFF by Regulatory Area (as amended by the Mar. 2, 1980, Reserve Apportionment) (1,000's mt)

Species	Western	Central	Eastern	Total
Pollock:				
5. Reserve	5.7	9.52	1.66	16.88
6. TALFF	45.525	72.36	12.725	130.61
Pacific Cod:				
5. Reserve	1.656	3.354	0.96	6.0
6. TALFF	13.024	24.136	6.84	44.0
Flounders:				
5. Reserve	1.04	1.47	0.84	3.35
6. TALFF	8.86	12.11	6.2	26.97
Pacific Ocean Perch:				
5. Reserve	0.27	0.79	1.44	2.5
6. TALFF	2.085	5.655	11.645	19.585
Other Rockfish:				
5. Reserve	(¹)	(¹)	0.65	0.87
6. TALFF	(¹)	(¹)	5.275	5.83
Sablefish:				
5. Reserve	(¹)	(¹)	(¹)	(¹)
6. TALFF	(¹)	(¹)	(¹)	(¹)
Alaska Mackerel:				
5. Reserve	0.466	2.083	0.319	2.87
6. TALFF	8.92	17.573	2.167	23.76
Squid:				
5. Reserve	0.1	0.2	0.2	0.5
6. TALFF	0.87	1.74	1.74	4.35
Rattails:				
5. Reserve	0.33	0.71	0.28	1.32
6. TALFF	2.837	6.357	1.254	10.548
Idiot Rockfish (Sebastesobustus), Gulf-wide OY:				
5. Reserve				0.374
6. TALFF				3.37
Other Species:				
5. Reserve	0.44	0.86	0.32	1.62
6. TALFF	3.56	7.32	1.98	12.86

¹No change.

[FR Doc. 80-12758 Filed 4-25-80; 8:45 am]

BILLING CODE 9510-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1014

[Ex Parte No. 366]

Legal Assistance Referral Service

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental Notice to Final Rule.

SUMMARY: A notice of final rules was served and published in the Federal Register at 49 FR 20104, March 27, 1980, and corrected at 45 FR 22945, April 4, 1980. The rules govern Commission participation in the Legal Assistance Referral Service, a one-year trial program of the CLCR, which consists of members of the Association of Interstate Commerce Commission Practitioners (AICCP) and the Motor Carrier Lawyers' Association (MCLA). The Commission, through the Office of the Secretary, established a Liaison to receive calls from individuals seeking assistance. The CLCR is in the process of being established and is compiling its list of panelists. Any practitioner or attorney interested in becoming a panelist should contact his/her Association. Any person seeking referral assistance may call the Office of the Secretary.

EFFECTIVE DATE: April 28, 1980.

FOR FURTHER INFORMATION, CONTACT: Darlene Proctor (interim Liaison), 275-7233 (in the Washington area), 800-424-5231 (outside the Washington area), or write to Room 2203, Interstate Commerce Commission, Washington, DC 20423.

DATED: April 25, 1980.

By the Commission, Office of the Secretary.
Agatha L. Margenovich,
Secretary.

[FR Doc. 80-13183 Filed 4-25-80; 12:10 pm]

BILLING CODE 7045-01-M

Proposed Rules

Federal Register

Vol. 45, No. 83

Monday, April 28, 1980

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1446

Proposed Amendment to the 1980-Crop Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation, U.S. Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: Commodity Credit Corporation (CCC), has previously announced the national level of price support for 1980-crop quota and additional peanuts. CCC now proposes to make determinations and issue regulations for 1980-crop peanuts adjusting loan and purchase rates for quota and additional peanuts for differences in type, quality, location and other factors. This notice invites comments on these proposed determinations.

DATES: Written comments must be received on or before June 24, 1980.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Room 3741-South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Price Support and Loan Division, ASCS, USDA, 3752-South Building, P.O. Box 2415, Washington, D.C. 20013. (202) 447-6733. The Draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available upon request from Gypsy Banks.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified not significant. The 1980-Crop Peanut Loan and Purchase Program is authorized by the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act"),

and the Commodity Credit Corporation Charter Act, as amended. The program is intended to stabilize market prices and to protect producers, handlers, processors and consumers. The 1980-Crop Peanut Loan and Purchase Program, published in the Federal Register on February 21, 1980 (45 FR 11462), established the national average support values for the 1980 crop at \$455 per ton for quota peanuts and \$250 per ton for additional peanuts. Section 403 of the Act provides that appropriate adjustments may be made in type, quality, location and other factors. The average of any such adjustments shall, so far as practicable, be equal to the level of support for peanuts for the applicable crop year. Three options are being considered for determining the 1980 crop differentials (1) Virginia type Sound Mature Kernels (SMK) 2 percent above and Spanish type SMK one-half percent above Runner type SMK, (2) Virginia type SMK 4 percent above and Spanish type 1 percent above Runner type SMK, and (3) Virginia type SMK 3.9 cents above Runner type and Spanish type SMK.

Proposed Rule

Accordingly, CCC proposes to make determinations and issue regulations for 1980-crop peanuts adjusting loan and purchase rates for quota and additional peanuts for differences in type, quality, location and other factors. It is proposed to amend 7 CFR 1446.37 through 1446.39 with regard to the calculation of average support values for quota and additional peanuts.

The preferred method of determining the 1980-crop differentials would be basically the same as for the 1979 crop. Using this method, the sound mature kernel (SMK) value of Virginia type peanuts would be 2 percent above and Spanish one-half percent above the SMK value of runner type peanuts. The adjustments for quality, location and other factors would remain the same as for the 1979 crop.

Before making final determinations, consideration will be given to any relevant data, views, recommendations, or alternative proposals which are submitted in writing to the Director, Price Support and Loan Division, ASCS-USDA. All written submissions made pursuant to this notice will be made available for inspection from 8:15 a.m. to

4:45 p.m., Monday through Friday, in Room 3741-South Building.

Signed at Washington, D.C., on April 21, 1980.

Ray Fitzgerald,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 80-12865 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 211

[Docket No. ERA-R-79-23C]

Motor Gasoline Allocation; Adjustments and Downward Certification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces its intent not to adopt as a final rule its previously proposed regulation that would have established a downward adjustment and certification procedure for wholesale purchaser-resellers of motor gasoline whenever their supply obligations decrease.

ERA is continuing to consider whether to adopt any of the alternative provisions that had been proposed and is preparing a regulatory analysis on downward certification.

No final rule will be adopted in this proceeding until further public comment is solicited.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-4055.

William Caldwell (Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-3258.

Alan Lockard (Office of Petroleum Operations), Economic Regulatory Administration, Room 6222, 2000 M Street, NW., Washington, D.C. 20461 (202) 653-3443.

William Funk or Joel M. Yudson (Office of General Counsel), Department of

Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6744.

SUPPLEMENTARY INFORMATION: On November 30, 1979, ERA proposed several alternative downward certification and adjustment procedures (44 FR 69962, December 5, 1979) for resellers of motor gasoline. Under the lead proposal, wholesale purchaser-resellers of motor gasoline would have been required to adjust downward their base period uses of motor gasoline whenever their supply obligations decrease, as for instance when a retail sales outlet closes. By proposing such a rule, we were attempting to (1) insure that gasoline would be redistributed to areas of increasing gasoline demand and away from areas of decreased demand and (2) reduce gasoline sales by resellers into the spot market. Among the proposed alternatives to the lead proposal was a provision under which downward adjustments would only be required to offset upward adjustments to which resellers are entitled when their supply obligations increase.

Extensive public comment was received by ERA, both written and at the public hearings that were held throughout the country. The hearing record makes it clear that many retail outlets close for reasons other than reduction in demand in a particular area. For example, in periods of reduced supply, operators of retail outlets may wish to consolidate their operations for economic reasons. Thus we have concluded that the lead proposal, which might have had the effect of reducing available supplies of gasoline to areas in which demand had not decreased, should not be adopted.

The various alternative proposals, specifically including the offset mechanism that would not have the effect of decreasing supplies in any geographic area, remain under consideration. A regulatory analysis of the alternatives is being prepared.

No final rule will be adopted in this proceeding at least until the regulatory analysis has been made available for public comment and that comment considered.

Issued in Washington, D.C., April 21, 1980.

Hazel R. Rollins,
Administrator, Economic Regulatory Administration.

[FR Doc. 80-13000 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 20290]

Airworthiness Directives; Fokker Model F-27 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require the replacement of unshielded electrical wire in the propeller auto-feathering circuit with shielded wire and segregation of some wires on certain plugs and receptacles in the feathering circuit on Fokker F-27 airplanes. The proposed AD is needed to prevent the propeller auto-feathering circuit from inadvertently energizing which could result in an unwanted auto-feathering of the propeller during flight, adversely affecting control of the airplanes.

DATES: Comments must be received on or before June 27, 1980.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 20290, 800 Independence Avenue, S.W., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 20290. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 p.m. The applicable service bulletin may be obtained from: FOKKER-VFW, Technical Publications Dept., P.O. Box 7600, Schiphol-Oost, The Netherlands.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, Telephone: (202) 426-8374.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the

proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the Federal Aviation Administration to acknowledge receipt of their comments submitted in response to this notice must submit those comments and a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 20290." The post card will be date/time stamped and returned to the commenter.

The FAA has determined that on certain serial number Model Fokker F-27 series airplanes the propeller auto-feathering system wire between the firewall and the cockpit pedestal and between the engine firewall and partial pressure bulkhead is unshielded thereby reducing its protection against inadvertent or unwanted feathering which could occur in any regime of airplane operation and adversely affect control of the airplane. Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require replacement of unshielded wires found in the propeller auto-feathering system between the firewall and the pedestal with shielded wires, re-routing certain wires, and rework of certain electrical receptacles as installed in the propeller auto-feathering system of certain Fokker F-27 series airplanes. The proposed AD would also require installation of new shielded wires between the engine firewall and the partial pressure bulkhead.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

FOKKER-VFW b.v.—Applies to F-27 series airplanes, serial numbers 10105 through 10248 which have incorporated Fokker Service Bulletin F27/61-9(G6), 10249 through 10518 except for airplanes which have Fokker

Service Bulletin F27/61-10(G7) incorporated, and 10519 through 10553, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent propeller auto-feathering caused by inadvertent potential being introduced into the propeller auto-feathering circuit, accomplish the following:

(a) Within the next 500 hours time in service after the effective date of this AD, for airplane serial numbers 10105 through 10248 if Fokker Service Bulletin F27/61-9(G6) has been incorporated, and for airplane serial numbers 10249 through 10518 if Fokker Service Bulletin F27/61-10(G7) has not been incorporated, rework the cockpit floor and wiring in the receptacles, replace, route, and connect the wiring, and finish shielding in accordance with paragraph 2, "Accomplishment Instructions," General and Part I of Fokker Service Bulletin F27/61-29, revision 2, dated March 1, 1979, or an FAA-approved equivalent.

(b) Within the next 500 hours time in service after the effective date of this AD for airplane serial numbers 10249 through 10298 except for airplanes which have Fokker Service Bulletin F27/61-10(G7) incorporated, install new shielded wires between the engine firewall and the partial pressure bulkhead in accordance with Fokker Service Bulletin F27/61-35 dated March 23, 1979, or an FAA-approved equivalent.

(c) Within the next 500 hours time in service after the effective date of this AD, for airplane serial numbers 10519 through 10553, rework the cockpit floor and wiring in the receptacles, replace, route, and connect the wiring, and finish shielding in accordance with paragraph 2, "Accomplishment Instructions," General and Part II of Fokker Service Bulletin F27/61-29, revision 2, dated March 1, 1979, or an FAA-approved equivalent.

(d) For purposes of this AD, and FAA-approved equivalent must be approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium.

Note.—There is a typographical error on page 4 of Fokker Service Bulletin F27/61-29, revision 2, dated March 1, 1979. Aircraft serial numbers 10150 to 10248 inclusive listed in the first column of the replacement wire table should be changed to read 10105 to 10248 inclusive.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c); 14 CFR 11.85)).

Note.—The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the evaluation prepared for this action may be obtained by writing to C. Christie, Chief, Technical Standards Branch, AWS-110, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Issued in Washington, D.C. on April 18, 1980.

M. C. Beard,
Director of Airworthiness.

[FR Doc. 80-12883 Filed 4-25-80; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-AL-22]

Alteration of VOR Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the lower limits of airway segments in Alaska. Several electronic air navigation aids have been installed within the last few years which permit use of lower altitudes on some of the airways. This action contributes to the reduction of fuel consumption and increased flexibility in the control of air traffic.

DATE: Comments must be received on or before May 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaska Region, Attention: Chief, Air Traffic Division, Docket No. 79-AL-22, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska, 99513. All communications received on or before, May 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments

submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would change the lower limits of segments of airways in Alaska as follows:

A segment of R-103 airway between the SKILA intersection and Wessels NDB would have a lower floor.

A segment of B-12 airway between Bishop NDB and Hotham NDB would have a lower floor.

A segment of B-25 airway between Hinchinbrook NDB and Glenallen NDB would have a lower floor.

Segments of B-27 airway between Woody Island NDB and King Salmon LOM, between King Salmon LOM and Oscarville, NDB, also between Fort Davis NDB and Hotham NDB would have lower floors.

In § 71.125, a segment of V-319 airway between the HAPIT intersection and Yakutat would have a lower floor.

Segments of V-438 airway between Fairbanks and Yukon (main airway-east alternate-west alternate), and between Fort Yukon and Deadhorse would have lower floors.

Segments of V-440 airway between Biorka Island and Yakutat, between Yakutat and Middleton Island, between Middleton Island and Anchorage (main airway-south alternate), also between Unalakleet and Nome would have lower floors.

A segment of V-453 airway between Dillingham and Bethel would have a lower floor.

A segment of V-462 airway between Dillingham and Anchorage would have a lower floor.

A segment of V-498 airway between Galena and Kotzebue would have a lower floor.

Segments of V-506 airway between Kodiak and King Salmon, between Bethel and Nome, between Nome and Kotzebue, and a west alternate between Nome and Kotzebue would have lower floors.

A segment of V-508 airway between Middleton Island and Kenai would have a lower floor.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.107, § 71.109, § 71.125 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 306, 342) as follows:

Under § 71.107

R-103 is amended to read as follows: "R-103 From Wildwood, Alaska, NDB, to Wessels, Alaska, NDB."

Under § 71.109

In B-12 "68 miles 12 AGL, 88 miles 55 MSL, 37 miles 12 AGL, to Hotham, Alaska, NDB." is deleted and "68 miles 12 AGL, 71 miles 55 MSL, 54 miles 12 AGL, to Hotham, Alaska, NDB." is substituted therefor.

In B-25 "38 miles 12 AGL, 12 miles 95 MSL, 60 miles 12 AGL Glenallen NDB;" is deleted and "Glenallen, Alaska, NDB;" is substituted therefor.

B-27 is amended to read as follows:

"B-27 From Woody Island, Alaska, NDB, 50 miles 12 AGL, 50 miles 95 MSL, 53 miles 12 AGL, King Salmon, Alaska, LOM; 51 miles 12 AGL, 84 miles 70 MSL, 63 miles 12 AGL, Oscarville, Alaska, NDB; St. Marys, Alaska, NDB; Fort Davis, Alaska, NDB; 35 miles 12 AGL, 71 miles 55 MSL, 54 miles 12 AGL, Hotham, Alaska, NDB."

Under § 71.125

In V-319 "86 miles 20 MSL, 20 miles 12 AGL via Yakutat;" is deleted and "68 miles 20 MSL, 40 miles 12 AGL via Yakutat;" is substituted therefor.

V-438 is amended to read as follows:

"V-438 From Kodiak, Alaska, 27 miles 12 AGL, 24 miles 35 MSL, 29 miles 55 MSL, 40 miles 12 AGL, via Homer, Alaska, including a west alternate from Kodiak, 27 miles 12 AGL, 24 miles 35 MSL, 33 miles 55 MSL, 40 miles 12 AGL, to Homer; INT Homer 027° and Anchorage, Alaska, 198° radials; Anchorage; Big Lake, Alaska; Fairbanks, Alaska; Fort Yukon, Alaska, including east and west alternates; 89 miles 12 AGL, 52 miles 95 MSL, 27 miles 75 MSL, 61 miles 12 AGL, Deadhorse, Alaska; to Barrow, Alaska."

V-440 is amended to read as follows:

"V-440 From Seattle, Wash., to Victoria, British Columbia, Canada. From Sandspit, British Columbia 83 miles 12 AGL, 115 miles 35 MSL, 55 miles 12 AGL, via Biorka Island, Alaska; 31 miles 12 AGL, 50 miles 47 MSL, 85 miles 20 MSL, 40 miles 12 AGL, Yakutat, Alaska; 67 miles 12 AGL, 82 miles 75 MSL, 56 miles 12 AGL, Middleton Island, Alaska; Anchorage, Alaska, including a south alternate via the INT Middleton Island 298° and Anchorage 163° radials, excluding the airspace between the main and the south alternate; McGrath, Alaska; 23 miles 12 AGL, 54 miles 55 MSL, 46 miles 40 MSL, 25 miles 12 AGL, Unalakleet, Alaska; 17 miles 12 AGL, 91 miles 25 MSL, 17 miles 12 AGL to Nome, Alaska. The airspace within Canada is excluded."

In V-453 "38 miles, 60 MSL INT Dillingham 308°" is deleted and "41 miles 12 AGL, 17

miles 60 MSL INT Dillingham 308°" is substituted therefor. Also, "50 miles, 60 MSL, Bethel" is deleted and "35 miles 60 MSL, 55 miles 12 AGL Bethel." is substituted therefor.

V-462 is amended to read as follows:

"V-462 From Cape Newenham, Alaska, NDB via Dillingham, Alaska; 35 miles 12 AGL, 77 miles 45 MSL, 60 miles 100 MSL, 25 miles 75 MSL, 85 miles 12 AGL, to Anchorage, Alaska."

V-498 is amended to read as follows:

"V-498 From McGrath, Alaska, 24 miles 12 AGL, 54 miles 55 MSL, 34 miles 12 AGL, Galena, Alaska; 68 miles 12 AGL, 70 miles 55 MSL, 54 miles 12 AGL, to Kotzebue, Alaska."

V-506 is amended to read as follows:

"V-506 From INT Kodiak, Alaska, 107° radial and the Anchorage Oceanic CTA/FIR boundary, 37 miles 20 MSL, 24 miles 12 AGL, via Kodiak; 50 miles 12 AGL, 50 miles 95 MSL, 51 miles 12 AGL, King Salmon, Alaska; 51 miles 12 AGL, 84 miles 70 MSL, 63 miles 12 AGL, Bethel, Alaska; Nome, Alaska; 35 miles 12 AGL, 71 miles 55 MSL, 53 miles 12 AGL, Kotzebue, Alaska, including a west alternate from Nome 38 miles 12 AGL, 71 miles 55 MSL, 58 miles 12 AGL to Kotzebue; Hotham, Alaska, NDB; 69 miles 12 AGL, 124 miles 95 MSL, 98 miles 12 AGL, Barrow, Alaska."

V-508 is amended to read as follows:

"V-508 From Middleton Island, Alaska, to Kenai, Alaska."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on April 21, 1980.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 80-12586 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 80-EA-3]****Proposed Alteration of Transition Area: Hershey, Pa.****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Hershey, Pa., Transition Area over Hershey Park, Hershey, Pa. This alteration will provide protection to aircraft executing a new VOR/DME -A instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before June 23, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before June 23, 1980, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM)

by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Hershey, Pa., Transition Area. The airport is at present overlaid by a 700-foot area to which will be added to portion of airspace approximately eight miles long and nine miles wide to the southeast of the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Section 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by altering the Hershey, Pa. 700-foot floor transition area as follows:

In the text delete, "from a 092° bearing to a 041° bearing from the airport." and substitute therefor, "from a 092° bearing to a 041° bearing from the airport; and within 4.5 miles each side of the Lancaster VORTAC 302° radial, extending from the 6-mile radius zone north of and parallel to the Lancaster 302° radial and extending from the 7-mile radius zone south of and parallel to the Lancaster VORTAC 302° radial to 15 miles southeast of the airport."

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and 14 CFR 11.65.)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operation, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Jamaica, New York, on April 10, 1980.

Murray E. Smith,
Director, Eastern Region.

[FR Doc. 80-12684 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71**[Airspace Docket No. 80-ASW-13]****Proposed Alteration of Transition Area: Monroe, La.****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of a transition area at Monroe, La. The intended effect of the proposed action is to provide adequate controlled airspace for aircraft executing instrument approach procedures to the Monroe Regional Airport. The circumstances which created the need for this action is that a review of the controlled airspace revealed it is in excess of that required for the protection of aircraft executing instrument approach procedures to the airport and the dimensions of the airspace can be reduced.

DATES: Comments must be received on or before May 28, 1980.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (45 FR 445) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Monroe, La., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Monroe, La. The FAA believes this action will enhance IFR operations at the Monroe Regional Airport by providing only the necessary controlled airspace for aircraft executing instrument approach procedures to the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1980 (45 FR 445).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 445) by deleting the

present description and substituting the following:

Monroe La.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Monroe Regional Airport (latitude 32°30'37" N., longitude 92°02'18" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on April 14, 1980.

Ramon A. Alvarez,
Acting Director, Southwest Region.

[FR Doc. 80-12063 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 80-AL-4]

Extension of Jet Routes Southwest of Bethel, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend J-120 and J-501 jet routes southwestward from Bethel, Alaska, to the Anchorage Oceanic Control Area/Flight Information Region (CTA/FIR) boundary. Increased use of these routes justify their designation as jet routes. Designation of these routes as jet routes would reduce the flight planning and communication time required for their use.

DATES: Comments must be received on or before May 28, 1980.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaska Region, Attention: Chief, Air Traffic Division, Docket No. 80-AL-4, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513.

The official docket may be examined at the following location: FAA office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaska Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513. All communications received on or before May 28, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would extend J-120 from Bethel to begin at the intersection of the Bethel 234°T(215°M) radial and the Anchorage Oceanic CTA/FIR boundary [Lat. 59°15'26.3" N., Long. 165°44'20.7" W.] and would extend J-501 from Bethel to the intersection of the Bethel 258°T(239°M) radial and the Anchorage Oceanic CTA/FIR boundary [Lat.

60°00'00" N., Long. 168°00'00" W.). Increased use of the two routes justify their designation as jet routes to minimize the time required for flight planning and communication in the control of air traffic on the routes.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend

§ 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) as follows:

In Jet Route No. 120 "From Bethel, Alaska, via" is deleted and "From the INT of the Anchorage Oceanic CTA/FIR boundary and the Bethel, Alaska, 234° radial via Bethel;" is substituted therefor.

In Jet Route No. 501 "to Bethel, Alaska," is deleted and "Bethel, Alaska; to the INT of the Bethel 258° radial and the Anchorage Oceanic CTA/FIR boundary," is substituted therefor.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65))

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on April 21, 1980.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 80-12885 Filed 4-25-80; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 792 3169]

Chrysler Corp., Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Highland, Mich. motor vehicle manufacturer to cease failing to notify owners of 1976/1977 Aspens and Volares, purchased or driven in specified states and locales, of the availability of replacement and

reimbursement programs for premature rusting; remove and replace without charge, the front fender(s) of vehicles that began to experience premature rusting within 36 months-in-service; and reimburse owners of affected vehicles for costs incurred in attempting to correct the premature rusting problem. The manufacturer would be further required to notify dealers, in writing, of the existence of premature rusting; supply them with an adequate supply of replacement parts; and inform them of the firm's obligation under the terms of the order.

DATE: Comments must be received on or before June 27, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania, N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Paul E. Eyre, Acting Director, 4R, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, Ohio 44114. (216) 522-4207

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 792 3169]

Chrysler Corp., Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Chrysler Corporation, a corporation, and it now appearing that Chrysler Corporation, a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an Order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Chrysler Corporation, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Chrysler Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 12000 Lynn Townsend Drive, in the City of Highland Park, State of Michigan.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the Order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of Complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its Complaint corresponding in form and substance with the draft of Complaint here attached and its decision containing the following Order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service.

Delivery by the United States Postal Service of the Complaint and decision containing the agreed-to Order (to proposed respondent's address as stated in this agreement) shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the agreement may be used to vary or contradict the terms of the Order.

7. Proposed respondent has read the proposed Complaint and Order contemplated hereby. It understands that once the Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

For the purposes of this Order, the following definitions shall apply:

1. "Motor vehicle(s)" shall mean all 1976 and 1977 model year Aspens and Volares.

2. "Premature rusting" shall mean the presence of holes, blisters or bubbles in exterior paint caused by rust in the top rear portion of the front fender(s) of motor vehicles within two feet of the rear edge of such fender(s).

3. "Dealer(s)" shall mean any person(s), partnership(s), firm(s), or corporation(s) which, pursuant to a sales and service agreement with respondent receives on consignment or purchases motor vehicles from respondent for resale or lease to the public, including any person(s), partnership(s), firm(s), or corporation(s) owned or operated by respondent.

4. "Owner" shall mean any person, partnership, firm, or corporation having custody and/or possession of a motor vehicle, including those vehicles held for resale.

5. "Remove and replace" shall mean removing any front fender affected by premature rusting and replacing it with a new, one-side galvanized front fender: *Provided*, That if such replacement fender is not available due to circumstances beyond respondent's control, respondent may substitute a zincrometal front fender. Also included in this term is the labor necessary to hang and paint the replacement front fender and to affix trim and accessory items, including splash shields.

6. "Months-in-service" shall be calculated as beginning on the date on which Chrysler began warranty coverage on the motor vehicle. If the date on which warranty coverage began ("in-service" date) cannot be established by Chrysler, then such date shall be calculated as beginning on:

October 1, 1976, for any 1976 model year motor vehicle;

October 1, 1977, for any 1977 model year motor vehicle.

It is ordered, That respondent Chrysler Corporation, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale or distribution of vehicles in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Failing to send by first-class mail, within sixty (60) days after the date of service of this Order, a copy of the letter attached to this Order as Attachment A, incorporated herein by reference, a form approved by the Federal Trade Commission, and a self-addressed, postage-paid envelope. This material shall be sent in one envelope similar in all material respects to Attachment B of this Order, incorporated herein by reference. The letter, form, and self-addressed, postage-paid envelope shall be mailed to each owner of a motor vehicle registered in any of the following states or localities, and to each owner of a motor vehicle purchased in any of the said states or localities, even though the vehicle is no longer registered in that state or locality.

All counties within the states of:

Connecticut	New Hampshire
Delaware	New Jersey
Illinois	New York
Indiana	Ohio
Iowa	Pennsylvania
Maine	Rhode Island
Massachusetts	Vermont
Michigan	Wisconsin

The following counties in Maryland, Minnesota and West Virginia:

Maryland

Allegheny

Garrett

Minnesota

Anoka
Blue Earth
Carlton
Carver
Chisago
Dakota
Dodge
Faribault
Fillmore
Freeborn
Goodhue

Hennepin
Houston
Isanti
LeSueur
McLeod
Mower
Nicollet
Olmsted
Pine
Ramsey
Rice

Scott
Sherburne
Sibley
Steele
Wabasha

Waseca
Washington
Winona
Wright

West Virginia

Brooke
Hancock
Marion
Marshall

Monongalia
Ohio
Preston
Wetzel

B. Failing to remove and replace the front fender(s) of any motor vehicle at no cost to the owner within one hundred twenty (120) days after the owner initially contacts respondent or a dealer: *Provided*, That respondent may require any owner to sign a statement, approved by the Federal Trade Commission, that the vehicle began to experience premature rusting within thirty-six (36) months-in-service.

C. Failing to reimburse any owner of a motor vehicle for the actual or the usual and customary charges in the owner's trade area, whichever is lower, for parts and labor for front fender repairs or replacements made at the owner's expense which eliminated, or were made in an attempt to eliminate, premature rusting: *Provided*, That respondent may require any owner to sign a statement, approved by the Federal Trade Commission, that the vehicle experienced premature rusting within thirty-six (36) months-in-service and to furnish reasonable evidence of repair or replacement.

Such reimbursement shall be made within sixty (60) days after the owner initially contacts respondent or a dealer. For owners who were sent the letter and form pursuant to paragraph A of part I of this Order, such repairs or replacements must have been made prior to an owner's receipt of the letter and form.

D. Failing to provide all dealers with adequate supplies of front fenders and any other items necessary to effectuate removal and replacement.

E. Failing to provide all dealers with adequate supplies of unsigned statements referenced in paragraphs B and C of part I of this Order.

F. Failing to notify all dealers in writing within ten (10) days after the date of service of this Order of the existence of premature rusting, of the necessity for using galvanized front fenders or zincrometal front fenders and of the terms and conditions of respondent's obligations under this Order.

II

It is further ordered, That respondent's obligations under paragraphs B and C of part I of this Order shall not extend to those owners

who initially contact respondent or a dealer after November 1, 1980, or after 42 months-in-service, whichever date is later.

III

It is further ordered, That respondent maintain documents demonstrating compliance with this Order for a period not less than three (3) years. Such documents shall be made available to the Commission or its staff for inspection and copying upon reasonable request, and shall include, but are not necessarily limited to, those revealing:

A. The name and last known address of each owner who was sent the disclosures required by paragraph A of part I of this Order.

B. The name and last known address of each owner who requested repairs or reimbursement for repairs for premature rusting.

C. The name and last known address of each owner whose motor vehicle was repaired or who was reimbursed for repairs as required by paragraphs B and C of part I of this Order.

D. Communications with respondent concerning repairs or reimbursements for repairs made to motor vehicles affected by premature rusting.

E. Each instance arising under paragraph C of part I of this Order where Chrysler reimbursed an owner of a motor vehicle for less than one hundred percent (100%) of the actual charges for parts and labor, and those documents revealing the underlying basis for determining the usual and customary charges in each such instance.

F. Each instance arising under paragraphs B or C of part I of this Order involving a dispute over months-in-service, unless Chrysler determined to remove or replace front fenders or reimburse an owner in accordance with said paragraphs, notwithstanding the fact that the vehicle allegedly exceeded thirty-six (36) months-in-service.

G. Each instance arising under paragraph B of part I of this Order when Chrysler failed to remove and replace the front fenders of any motor vehicle, and each instance arising under paragraph C of part I of this Order when Chrysler failed to reimburse any owner of a motor vehicle, and those documents revealing the underlying basis for such failures.

IV

It is further ordered, That respondent shall, within sixty (60) days after the date of service of this Order, and at one year intervals thereafter through 1982, file with the Commission a report, in writing, signed by respondent, setting

forth in detail the manner and form in which it has complied with this Order.

V

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Attachment A

Chrysler Corp., Service and Parts Division

Dear Aspen or Volare owner: Chrysler Corporation has a continuing interest in the quality of its cars. We have become aware of a condition in some 1976 and 1977 Aspens and Volares which you should know about. This condition may cause the front fenders of your Aspen or Volare to rust prematurely. In areas where roads are heavily salted, the condition is aggravated. Replacing front fenders is costly. By agreement with the Federal Trade Commission, Chrysler will replace your front fender(s) free or repay you for past repairs if:

- (a) your front fender(s) is rusted in the affected area, as described below; and
- (b) this rust appears(ed) within the car's first 36 months-in-service; and
- (c) you contact Chrysler or your dealer before November 1, 1980, or before 42 months-in-service, whichever is later.

Chrysler's Replacement/Repay Program

1. *Description of the Front Fender Rust Condition.* The rust problem occurs on the top horizontal part of the fender, within approximately two feet of the windshield. The fender's design sometimes hindered proper priming in this area at the factory. The rust starts on the front fender's underside. It appears first as bubbles or blisters in the paint. Soon, holes appear. The drawing at the end of this letter shows the problem area.

2. *What Is "Months-in-Service"?* The "36 months-in-service" limitation and the "42 months-in-service" claims limitation start the day Chrysler began warranty coverage on your car. This "in-service" date and the "36 month ending date" appear on the attached form.

3. *What You do If the Rust Appears On A Front Fender Now.* (a) Determine if the rust is in the front fender area described in paragraph 1. Also determine if the rust appeared during your car's first 36 months-in-service.

(b) If so, call any Dodge, Plymouth or Chrysler new car dealer to request free fender replacement.

(c) When an appointment has been arranged, bring the enclosed form to the dealer. Your car's fenders will be inspected. You will be asked to sign the statement on the repair part of the form certifying that the premature rust appeared within your car's first 36 months-in-service. If you qualify, the

dealer will then arrange to have a new fender installed within 120 days of your request.

4. *What You Do If The Rust Does Not Appear On A Front Fender Now, But Appears In The Future.* Not all 1976 or 1977 Aspen or Volare front fenders will rust prematurely.

But, just in case your car's front fenders rust in the future (but within 36 months-in-service), keep this letter and the form with the car. Then, you do (a), (b), and (c) in paragraph 3.

(If you sell your car, please give this letter and the form to the next owner.)

5. *What You Do If You Paid For Front Fender Rust Repairs Yourself Before You Got This Letter.* (a) Determine if the rust is in the front fender area described in paragraph 1. Also determine if the rust appeared during your car's first 36 months-in-service.

(b) Carefully read the statement (in the repayment part of the form) about when the rust first appeared on your car's front fender. If you decide to sign the statement, mail it, with your original repair bills (keep copies for yourself), copies of cancelled checks, or other proof that repairs were done, to the address shown. If you do not have your original bill, try to get one from the repair shop. If you

cannot get an original, send a copy.

(c) Chrysler will repay you for *reasonable* repair bills. (Chrysler may wish to see your car and proof of payment before repaying you).

6. *What You Should Remember.* Chrysler's *replacement* program covers you only if you call or go to a Dodge, Plymouth, or Chrysler dealer. Chrysler's *repay* program covers you only if you had repairs *before* you got this letter. In either case you should act promptly after the rust appears.

Keep in mind that where road salt is used heavily our dealer's shops may be overcrowded. Also matching paints exactly is not always possible. We deeply regret any inconvenience to you. We will handle each situation as quickly and fairly as possible. If you lose your form or if you have any problems with our program, call your local Chrysler Corporation Zone Office (listed in your Yellow Pages or Owner's Manual), or write to:

Chrysler Corporation, Customer Relations Manager, Post Office Box 1718, Detroit, Michigan 48288.

Very truly yours, Chrysler Corporation

Attachment B



**CHRYSLER
CORPORATION**

416-15-19

P. O. BOX 1718, DETROIT, MICHIGAN 48288 U.S.A.

IMPORTANT!

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed

consent order from the Chrysler Corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by

interested parties. Comments received during this period will become part of the public record. After 60 days, the Commission will again review the agreement and comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Chrysler Corporation used a front fender design which resulted in premature rust in many 1976 and 1977 model year Aspens and Volares, but failed to disclose this condition to car owners or prospective purchasers. Further, Chrysler did not disclose, except to complaining owners, that in some cases Chrysler would replace rusted out fenders free of charge or at reduced prices. The failure to disclose this information, the complaint alleges, constitutes unfair and deceptive practices.

Through the proposed order with the Federal Trade Commission, Chrysler has agreed to:

(1) Remove and replace 1976/1977 Aspen/Volare front fenders which experience the premature rust problem during the first 36 months-in-service at no cost to the vehicle owner.

(2) Reimburse vehicle owners who incurred repair or replacement expenses due to the premature rust problem, provided that, the rust occurred within the first 36 months-in-service.

(3) Notify, by direct mail, owners of vehicles driven in salt-belt regions of the United States (and, therefore, most likely to experience the problem) regarding the availability of these replacement and reimbursement programs.

Background

The premature rust problem is due to poor corrosion design. In many cases this poor design results in premature rust in the top, rear portion of the front fenders (about 24 inches out from the windshield in the area of the radio antenna on the right fender and in a corresponding area on the left front fender). Only inside-out rust (as opposed to outside-in rust which begins as surface rust) in this specific area of either fender is covered by the Order. The rust first appears as blisters or bubbles in the paint and eventually

becomes holes. The area is not readily accessible for washing or coating leaving little for car owners to do to avoid the problem. The problem was corrected very, very early in the 1978 production year. Hence, only 1976 and 1977 model Aspens and Volares are affected by this premature rust problem. Even with these model years it is not anticipated that every car will experience the premature rust problem. In part, the design problem resulted in improper or inadequate primer application to an unknown number of cars along the assembly line. Those which received a proper primer application should not experience the premature rust.

Remove and Replacement

Under the terms of the order, Chrysler has agreed to remove and replace, at no cost to the owner, front fenders which experience the premature rusting problem within the first 36 months-in-service. Owners have the first 42 months-in-service, or November 1, 1980, whichever is later, to request free fender replacement from any Chrysler product dealer. It is important to note that the 36 months of coverage refers to the age of the vehicle *when the rust appears*, not the age of the vehicle when the owner learns of Chrysler's repair program.

Reimbursement

For owners who have already incurred repair or removal and replacement expenses resulting from the premature rust problem, Chrysler, under the terms of the agreement, will reimburse for these expenses insofar as they are reasonable and can be documented by the vehicle owner. The same 36 months-in-service coverage and 42 months-in-service request provisions applicable to the Remove and Replace program, above, apply to the reimbursement program.

Notification

Chrysler will notify, by direct mail, owners of vehicles which were purchased in, or are currently driven in, the salt-belt regions of the United States. This area of the country is where the premature rust problem is most severe.

The "salt-belt regions" outlined in the order include all the counties within the states of Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Wisconsin, plus the following counties in Maryland: Allegheny and Garrett; in Minnesota: Anoka, Blue Earth, Carlton, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin,

Houston, Isanti, LaSeur, McLeod, Mower, Nicollet, Olmsted, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, Wright; and in West Virginia: Brooke, Hancock, Marion, Marshall, Monongalia, Ohio, Preston, Wetzel. These states and counties constitute the salt-belt regions of the United States, as calculated by the Iron and Steel Institute. Because of the severe corrosive effects of salt, it is anticipated that most of the premature rust will occur in these areas. It should be noted, however, that the repair and reimbursement requirement extends to every 1976 and 1977 Aspen and Volare which experiences the problem, regardless of the region in which it is driven and regardless of whether or not the owner receives a notification letter from Chrysler. Vehicle owners living in other areas will be dependent upon the news media, local consumer protection agencies, and word of mouth to find out about these replacement and reimbursement programs and can get further information about these programs from Chrysler Corporation, Service and Parts Division, Post Office Box 1718, Detroit, Michigan 48288; their local Chrysler Zone Office (listed in the Yellow Pages or in the owners manual); or from any local Chrysler products dealer.

For those owners who receive direct mail notification, there is no reimbursement option for repairs performed *after* the notice letter has been received. For those who have not incurred any repair or replacement expenses prior to receipt of the notice letter, the only option, should the rust appear, is removal and replacement at a local Chrysler products dealership.

In order to qualify for either of the programs, vehicle owners must be willing to sign a statement as to when the premature rust first appeared on their vehicle and must agree to make the vehicle available for Chrysler's inspection. In addition, reimbursement customers should have original copies showing that repairs were, in fact, performed and paid for. Vehicle owners must request replacement or reimbursement from Chrysler prior to November 1, 1980, or within the first 42 months-in-service for their particular vehicle, whichever date is later. Once the request is made, Chrysler has 4 months within which to act.

Effects of the Order

This order should be of tremendous benefit to owners of 1976 and 1977 Aspens and Volares which experience the premature rust problem and is

anticipated to result in approximately 200,000 free fenders for consumers.

Some vehicle owners will not be happy with the 36 months-in-service cut off date for coverage under the order. They must bear in mind that this period of time parallels the 36 month rust perforation warranty given by Chrysler on its 1980 models and is consistent with state-of-the-art corrosion design during the period when these cars were produced. A further consideration in arriving at this figure was the practicality of obtaining more generous benefits in a litigated order, but at the price of delaying those benefits for 2 or 3 years.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 80-12870 Filed 4-25-80; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[File No. 791 0010]

Genstar Ltd., Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final approval, among other things, would require a Canadian corporation engaged in various business enterprises, including the manufacture and sale of portland cement and gypsum wallboard, to cease, for a prescribed period, from entering into or carrying out supply agreements with U.S. competitors that provide for the exchange of cost and pricing information and permit the firm to share in profits realized from the resale of its products in the United States. The firm would also be prohibited, for a specified time, from selling or delivering to any "Cement Facility" for further processing or resale, products produced at company owned cement manufacturing plants located outside the United States. Further, for each calendar year, beginning January 1, 1981 and ending December 31, 1984, the company would be required to make available for sale to manufacturers having cement facilities located in the "Northwest Cement Market" all cement or clinker produced in its plant at

Tilbury Island, British Columbia, that is not sold to Canadian customers. Additionally, the company would be prohibited from acquiring, without prior Commission approval, any portland cement or gypsum wallboard manufacturing plant that is located within geographic areas set forth in the order.

DATE: Comments must be received on or before June 27, 1980.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007 (212) 264-1207

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 7910010]

Genstar Ltd., Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Genstar Limited (hereinafter Genstar), a Canadian corporation, and it now appearing that Genstar, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between Genstar by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Genstar is a corporation organized, existing and doing business under and by virtue of the laws of Canada, with its office and principal place of business located at One Place Ville Marie, Montreal, Quebec, Canada H3B3R1.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. or Canadian Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may

be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

For purposes of this order, each of the following terms shall have the meaning ascribed thereto below:

A "cement-equivalent short ton" means: (i) in the case of finished cement, one short ton (2,000 pounds) and (ii) in the case of clinker, the product obtained by multiplying one short ton times 1.05.

"Cement Facility" means a cement manufacturing plant or a cement terminal, as the case may be, located in the States of Washington, Oregon, California or Nevada, and owned at the time by Flintkote or Genstar.

"Cement Market Area" means (i) the area included within the States of Washington, Oregon, California and Nevada or (ii) the area in the United States within a 300-mile radius of the cement manufacturing plant presently owned by Flintkote and located at Glens Falls in New York, as the case may be, but in each case only for so long as there is located in that area a Product manufacturing plant owned by Genstar.

"Dedicated Product" for a particular calendar year means that quantity of Product manufactured at the Tilbury Plant by which (i) the total quantity of Product actually produced at the Tilbury Plant during that year exceeds (ii) the quantity of Product so produced during that year and sold to buyers located in Canada except that the total quantity of Product actually produced at the Tilbury Plant in any year for purposes of this definition shall in no event exceed 982,000 cement-equivalent short tons.

"Flintkote" means The Flintkote Company, a Massachusetts corporation, its subsidiaries and affiliates.

"Genstar" means Genstar Limited and those persons, partnerships, subsidiary or related corporations or other legal

entities acting on its behalf, their successors and assigns, including but not limited to Dorster, Inc.

"Gypsum Market Area" means (i) the area included within the States of Washington, Oregon, California and Nevada or (ii) the area in the United States within a 300 mile radius of the gypsum wallboard manufacturing plant presently owned by Flintkote and located at Florence in Colorado or (iii) the area in the United States within a 300 mile radius of the gypsum wallboard manufacturing plant presently owned by Flintkote and located at Sweetwater in Texas or (iv) the area in the United States within a 300 mile radius of the gypsum wallboard manufacturing plant presently owned by Flintkote and located at Savannah in Georgia or (v) the area in the United States within a 300 mile radius of the gypsum wallboard manufacturing plant presently owned by Flintkote and located at Camden in New Jersey, as the case may be, but in each case only for so long as there is located in that area a gypsum wallboard manufacturing plant owned by Genstar.

"Independent Buyer" means a company other than Flintkote or Genstar which owns a cement manufacturing plant or a cement terminal located in Washington, Oregon or California.

"Product" means finished portland cement or clinker, as the case may be.

"Tilbury Plant" means the cement manufacturing plant located at Tilbury Island, British Columbia, for so long as the same is owned by Genstar.

"Independent Manufacturer" means a company which is engaged in the manufacture and sale of Product in competition in the United States with Flintkote or Genstar.

I

It is ordered, That respondent Genstar, a Canadian corporation through its officers, directors, agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture and sale of Product shall forthwith until January 31, 2000, cease and desist from establishing, entering into, continuing, carrying out, enforcing or cooperating or acquiescing in any contract, agreement, combination, understanding, arrangement or common course of action, whether express or implied, with any Independent Manufacturer doing business in the United States which has the effect of:

1. Respondent Genstar sharing in the profit realized by any Independent Manufacturer from the resale in the United States of Product purchased from Genstar.

2. Providing for the price of Product sold by respondent Genstar to any Independent Manufacturer to vary in relation to the selling price or margin or net realization of the Independent Manufacturer on its resale in the United States of said Product.

3. Respondent Genstar furnishing to, or receiving from, any Independent Manufacturer to which respondent Genstar has sold or contracted to sell Product any information pertaining to:

(a) The cost of production of Product or sale of Product or any component thereof for either party;

(b) The sale price or the price realized by the Independent Manufacturer from the resale in the United States of Product purchased from Genstar.

II

It is further ordered, That during the period commencing on the date this order becomes final and ending on January 31, 1990, respondent Genstar shall not, without the prior approval of the Federal Trade Commission, directly or indirectly sell or otherwise transfer or deliver to any Cement Facility for further processing or for resale any Product made by Genstar at any Product manufacturing plant located outside the United States and owned at the time by Genstar.

III

It is further ordered, That for each calendar year during the period commencing on January 1, 1981 and ending on December 31, 1984, and for so much of the year 1980 as this order may be in effect, Genstar shall make available for sale to one or more Independent Buyers the Dedicated Product for that calendar year for delivery F.O.B. Genstar's Tilbury Plant during that year at a reasonable market price (as determined during the relevant Offering Period described below) in accordance with the following procedures:

A. Except for the year 1980, Genstar shall, during or before the four (4) months immediately preceding such calendar year (which four (4) months shall be called the "Offering Period" for that calendar year), solicit orders at a reasonable market price from one or more Independent Buyers for delivery during that calendar year of all of the projected Dedicated Product for that year.

B. Except for the year 1980, to the extent that Genstar shall not, by November 1 during the Offering Period, have agreed to sell all of the projected Dedicated Product for that calendar year to Independent Buyers, Genstar shall within ten (10) business days

thereafter notify each Independent Buyer in writing that Genstar is offering to sell, subject to prior agreements to sell to others, all or any portion of the then uncommitted Dedicated Product for that year for delivery during that year at a reasonable market price.

C. An Independent Buyer wishing to purchase any Dedicated Product offered pursuant to B. above shall submit to Genstar either a written acceptance of Genstar's offer or a written offer expressing the Independent Buyer's willingness to purchase during that year a specified quantity of such Dedicated Product at a specified price. Any such acceptance or offer must be submitted by December 1 during the Offering Period. Genstar shall enter into final agreements seriatim to sell to one or more of those Independent Buyers at a reasonable market price all Dedicated Product so offered for which Genstar received either such acceptances or such offers to buy at a reasonable market price. Genstar shall not in any event obligated to enter into any agreement with any Independent Buyer to sell more Dedicated Product in a particular year than the portion thereof which Genstar has not committed to sell to others at the time at which the agreement to sell under this provision C. is entered into with that Independent Buyer.

D. Genstar shall be in complete compliance with the provisions of this Part III for 1980 if Genstar in fact sells to one or more Independent Buyers all of the Dedicated Product produced during that period of the year when this order may be in effect.

IV

It is further ordered, That, for so long as the contract or contracts described below remain in force and effect, the provisions of Part III of this order shall be of no force or effect whatsoever if Genstar and one or more Independent Buyers execute prior to March 1, 1980 supply contracts pursuant to which Genstar shall become obligated to deliver F.O.B. the Tilbury Plant Product manufactured at the Tilbury Plant to such buyer or buyers, as the case may be, in amounts not less than 200,000 cement-equivalent short tons for 1980 and 300,000 cement-equivalent short tons for each of 1981, 1982, 1983 and 1984: *Provided*, That no such supply contract contains any terms (i) which provide for one party to furnish to the other data regarding either party's costs of production or sale, or profits on sales, of Product or (ii) which provide for the price of Product sold by Genstar to such buyer to vary in relation to the selling price or margin or net realization of the

buyer with respect to resales of that Product or (iii) entitle Genstar to comply with the terms of such contract by supplying Product from any Cement Facility. Such a supply contract shall satisfy the requirements of this Part IV notwithstanding the fact that Genstar's obligation to supply under the contract may be subject to (i) force majeure, (ii) rights to reduce the quantity to be purchased which are exercisable by the Independent Buyer, and (iii) rights of Genstar to prorate Product among its customers if cement and clinker manufactured by it are short of the quantities required to supply its customers' requirements.

V

It is further ordered, That respondent Genstar maintain adequate records, to be furnished upon request of the staff of the Federal Trade Commission, which evidence compliance with the provisions of this order, including, but not limited to records showing: the total quantity of Product produced at the Tilbury Plant in the calendar year 1979 and each subsequent year for five (5) years up to and including the year 1984; the total quantity of Product so produced during each such year that was sold to buyers in Canada including the names and addresses of said buyers; copies of notices mailed to Independent Buyers in the United States soliciting orders for the Dedicated Product; copies of acceptances and sales agreements with said Independent Buyers and the names, addresses and the amount of Product purchased by each Independent Buyer in the United States.

VI

It is further ordered, That Genstar's obligations under this order shall terminate if the following two conditions are met: (i) Genstar shall not prior to October 31, 1980 purchase any additional voting securities issued by Flintkote and (ii) Genstar shall have divested prior to October 31, 1980 all interests it presently holds, directly or indirectly, in voting securities issued by Flintkote.

VII

It is further ordered, That prior to January 31, 1985 Genstar shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of:

A. Any equity securities in excess of three (3) percent of the outstanding shares of such securities issued by any company, corporation or partnership

which is engaged in either (i) the manufacture of Product in any Cement Market Area or (ii) the manufacture of gypsum wallboard in any Gypsum Market Area; or

B. Any Product manufacturing plant or distribution terminal located in any Cement Market Area other than a Product distribution terminal which has not been used as such for at least three (3) months immediately preceding such acquisition; or

C. Any gypsum wallboard manufacturing plant located in any Gypsum Market Area.

VIII

It is further ordered, That Genstar, within sixty (60) days after service upon it of this order, file with the Federal Trade Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

IX

It is further ordered, That respondent Genstar notify the Commission at least thirty (30) days prior to any proposed change in the respondent Genstar such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other such change in the corporation which may affect compliance obligations arising out of the order.

Genstar Limited

[File No. 7910010]

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Genstar Limited, a Canadian corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by the public. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that the acquisition of 21.5% of the common stock of The Flintkote Company (Flintkote) by Genstar Limited (Genstar) may result in a substantial lessening of competition in the manufacture and sale of portland cement and clinker (the intermediate product) in a Northwest Cement Market

composed of Northern California, Western Oregon and Western Washington. Since Genstar has entered into (but not yet made effective) long-term cement and clinker supply arrangements (which contain provisions for profit sharing and exchange of cost and pricing information) with two of Flintkote's principal competitors in the market, the complaint alleges that Genstar's acquisition of Flintkote may: Substantially reduce price and other competition among the three companies; increase cooperation among the three companies with respect to production, distribution and/or sale of portland cement and clinker to the detriment of competition in the market generally and/or have the effect of fixing, stabilizing, or maintaining prices and/or allocating markets or customers or restricting supplies of portland cement or clinker within the market.

The complaint also alleges that the acquisition by Genstar may result in a substantial lessening of competition in the manufacture and sale of gypsum wallboard in a 4-State Area consisting of Washington, Oregon, California and Nevada, by eliminating Flintkote as a direct competitor and by eliminating potential competition between Flintkote and Genstar.

Paragraph I of the proposed order prohibits Genstar, until January 31, 2000, from entering into or carrying out agreements with any competitor which have the effect of:

1. Genstar sharing in the profit realized by a competitor from the resale in the United States of portland cement or clinker purchased from Genstar.

2. Providing for the price of portland cement or clinker sold by Genstar to any competitor to vary in relation to the selling price or margin or net realization of the competitor on its resale of said products in the United States.

3. Genstar furnishing to, or receiving from any competitor to which Genstar has sold or contracted to sell portland cement or clinker any information pertaining to:

(a) The cost of production or sale of said products or any component thereof for either party;

(b) the sale price or the price realized by the competitor from the resale in the United States of portland cement or clinker purchased from Genstar.

Paragraph II of the proposed order prohibits Genstar, until January 31, 1990, from selling or transferring portland cement or clinker from any of its manufacturing plants located outside the United States to any cement

manufacturing plant or terminal located in the States of Washington, Oregon, California or Nevada which is owned at the time by Flintkote or Genstar.

Paragraph III of the proposed order requires Genstar, until December 31, 1984, to make available for sale to one or more cement manufacturers (other than Flintkote or Genstar) with plant or terminal facilities in the Northwest Cement Market, all cement or clinker produced at Genstar's plant at Tilbury Island, British Columbia (not exceeding 982,000 tons) which is not sold to customers in Canada. This paragraph also sets forth the procedures to be followed in carrying out this provision. Paragraph IV of the proposed order permits Genstar, in the alternative, to execute supply contracts with one or more cement manufacturers in the market for the sale of not less than 200,000 tons of portland cement or clinker in 1980 and 300,000 tons in each of 1981, 1982, 1983 and 1984.

Paragraph VII of the proposed order provides that until January 31, 1985 Genstar may not acquire, without the prior approval of the Federal Trade Commission the whole or any part of:

A. any equity securities in excess of three (3) percent of the outstanding shares of any company which is engaged in the manufacture of portland cement or clinker or gypsum wallboard in (i) Washington, Oregon, California or Nevada or (ii) within a 300 mile radius of any cement or gypsum wallboard plant located in any other state of the United States which is presently owned by Flintkote for so long as it is owned by Genstar.

B. any portland cement or clinker manufacturing plant or distribution terminal within the geographic areas set forth in Paragraph A. above other than a distribution terminal which has not been used as such for at least three (3) months immediately preceding such acquisition; or

C. any gypsum wallboard manufacturing plant located in the geographic areas set forth in Paragraph A. above.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way its terms.

Carol M. Thomas,
Secretary.

[FR Doc. 80-12869 Filed 4-25-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 294

[Docket No. RM79-52]

Inquiry Implementing Section 206 of the Public Utility Regulatory Policies Act of 1978, Continuance of Service

April 22, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: The Commission issues a Notice of Inquiry in which it solicits public comment prior to undertaking the development of a formal Notice of Proposed Rulemaking to implement section 206 of the Public Utility Regulatory Policies Act of 1978. Section 206 adds a new paragraph to section 202 of the Federal Power Act to require the Commission to establish rules under which each public utility subject to Commission jurisdiction will report any anticipated shortages of electric energy or capacity which would affect the utility's capability of serving its wholesale customers and submit to the Commission, and appropriate state regulatory authorities, contingency plans designed to accommodate any such anticipated shortages.

DATE: Written comments due by June 23, 1980.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (Reference Docket No. RM79-52).

FOR FURTHER INFORMATION CONTACT:

Edward Fowlkes, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 376-9381, or Christine Benagh, Division of Regulatory Development, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8363.

Introduction

The Federal Energy Regulatory Commission (Commission) solicits comments and suggestions for the Commission's consideration in the implementation of its responsibilities regarding continuance of electric service as those responsibilities are set forth in section 206 of the Public Utility Regulatory Policies Act of 1978 (PURPA).¹

¹ Pub. L. 95-617, 92 Stat. 3117 (1978), amending the Federal Power Act, 16 U.S.C. 824a(g) (Supp. II, 1978).

Background

Section 206 of PURPA amended the Federal Power Act by adding a new subsection (g) to section 202,² under which the Commission is, by rule, to require that each public utility (1) provide prompt notice of anticipated shortages of electric energy or capacity which would affect the utility's capability of serving its wholesale customers, (2) prepare and submit to the Commission contingency plans that would outline what circumstances might give rise to such shortages, and (3) accommodate such shortages while giving due consideration to the public health, safety, and welfare, and assuring that all persons served directly and indirectly are treated without undue prejudice or disadvantage.

While the statutory language does not explicitly direct the Commission to assess the adequacy of contingency plans submitted, or to assure implementation of the plans, the Statement of Managers indicates that the Commission may approve or disapprove the initial and any revised plans and require adherence to them in the event of a shortage of energy or capacity.³

The Commission, in partial fulfillment of the requirements of section 202(g), has previously issued, and subsequently extended, an interim rule requiring that any public utility anticipating a shortage of energy or capacity affecting its ability to serve wholesale customers notify the Commission of such anticipated shortage.⁴ Additionally, the interim rule

² Section 202(g) states:

(g) In order to insure continuity of service to customers of public utilities, the Commission shall require, by rule, each public utility to—

(1) report promptly to the Commission and any appropriate State regulatory authorities any anticipated shortage of electric energy or capacity which would affect such utility's capability of serving its wholesale customers,

(2) submit to the Commission, and to any appropriate State regulatory authority, and periodically revise, contingency plans respecting—

(A) shortages of electric energy or capacity, and
(B) circumstances which may result in such shortages.

(3) accommodate any such shortages or circumstances in a manner which shall—

(A) give due consideration to the public health, safety, and welfare, and

(B) provide that all persons served directly or indirectly by such public utility will be treated, without undue prejudice or disadvantage.

³ "In subsection (g)(2) the conferees intend that the Commission can approve plans submitted thereunder on the basis of the criteria listed in paragraph (3) and require use of these approved plans under paragraph (3). Also the conferees intend that the Commission may require periodic updating of these plans." Statement of Managers, H.R. Rep. No. 95-1750, 95th Cong., 2d Sess. 99 (1978).

⁴ Interim rule, 18 CFR 294.101 (1979), Docket No. RM79-52, (issued June 15, 1979), amended (to

Footnotes continued on next page

requires that the public utility explain the circumstances which could give rise to such shortage and how the utility intends to accommodate such shortage in accordance with statutory requirements.

The Commission solicits specific comments and suggestions concerning all of the issues mentioned herein. The Commission is also interested in receiving comments or suggestions regarding issues not mentioned herein but which commenters believe would be useful to the development of a satisfactory rule.

Specific Areas of Inquiry

The general areas of inquiry on which the Commission seeks comment are: (I) The nature of the shortages to be reported and the manner of reporting; (II) the detail needed in the contingency plans; and (III) the role of the Commission and appropriate state agencies in approving contingency plans and requiring their use during a shortage.

I. Reporting of Shortages

A. Shortages Which Must be Reported. Section 202(g)(1) of the Federal Power Act, as amended by section 206 of PURPA, requires each public utility to report " * * * any anticipated shortage of electric energy or capacity which would affect such utility's capability of serving its wholesale customers." (Emphases supplied.)

1. The Commission is aware that the great majority of shortages of electricity are minor, of relatively brief duration, and cannot be anticipated. How should the rule be structured to take account of this reality and to avoid the reporting of shortages of no real consequence? What standards should apply?

2. How should a shortage be defined and its duration be determined?

3. If only "significant" anticipated shortages are to be reported, how should such shortages be defined?

4. Under the statute, anticipated shortages are to be reported. If a shortage occurs without sufficient lead time to report to the Commission, should after-the-fact reporting be required?

5. The statute only requires the reporting of shortages which would affect a utility's capability of serving its *wholesale* customers. Clearly this limitation does not require a public

utility to report to the Commission any shortage which affects only its retail customers. (a) Is it the case that there can be anticipated shortages on a utility's system that would affect *only retail customers* and not interfere with service to wholesale customers? (b) How would such cases relate to these statutory requirements for avoiding undue discrimination? (See discussion, *infra*, at III.A.)

B. Reporting Methods. Section 202(g)(1) states that the Commission must require public utilities to "report promptly to the Commission and any appropriate State regulatory authorities" anticipated shortages as described above. This statutory mandate raises a number of questions regarding the nature and timing of the reporting requirements.

1. The statute requires that reports of shortages be "prompt." What is a reasonable reporting interval consistent with the standards?

2. The statute requires reporting to "any appropriate State regulatory authorities" in addition to reporting to the Commission. Should reporting be limited to State public utility commissions, State emergency preparedness planners, or some combination of these? Should a State's governor be asked to designate an agency?

3. In the case of a public utility which is a member of a power pool in which the pool manages the power supply, should a report from the pool be accepted in the place of reports from each individual member utility?

4. Should similar single source reporting be accepted for public utilities which are members of integrated holding company systems?

5. What role, if any, should the Regional Reliability Councils play in the reporting function?

II. Contingency Plans

Section 202(g)(3) of the Federal Power Act, as amended, requires that public utilities accommodate shortages or circumstances which may result in shortages in a nondiscriminatory manner, giving due consideration to public health, safety and welfare.

A. Scope of Authority and Responsibility. 1. The Commission is interested in comment on the Commission's authority and practical ability to affect the measures used to curtail loads of wholesale customers.

2. What considerations should be taken into account in the development and approval of contingency plans to ensure that they comply with the statutory requirement that the plans give a "due consideration to the public

health, safety and welfare" and (b) accommodate customers' needs without undue prejudice or disadvantage?

3. Would these include mitigating measures to maintain a reduced level of supply to all customers in times of shortages?

4. Would these include establishment of special provisions to maintain essential public services during a shortage?

5. Should these include measures beyond the restoration of power in order to alleviate hardships resulting from a shortage?

6. Will accommodation of anticipated shortages constitute "major Federal action significantly affecting the quality of the human environment?" If so, how?

B. Level of Detail. The Commission seeks comment on the level of detail that should be required in the contingency plans submitted.

1. Should the Commission establish priorities which must be reflected in filed contingency plans, or should plans include the specific manner in which the public utility intends to react during an anticipated shortage?

2. What constitutes appropriate notice that contingency procedures under an approved plan have been terminated and service restored so that the contingency plan is no longer in operation?

C. Role of States. Retail electric rates and service are ordinarily regulated by the various State regulatory authorities. Some States have established contingency procedures to deal with shortages of energy or capacity.

1. Should the Commission permit State approval of contingency plans as a substitute for commission approval?

2. Does the Commission have authority to supersede State contingency plans if they conflict with the provisions established in section 202(g)?

3. As a matter of policy, should the Commission reserve the authority to supersede or overrule the curtailment policies of the individual States in order that shortages be accommodated on a uniform basis?

D. Coordination of Plans. Because the electric utility industry is highly interdependent, the Commission is concerned with the degree of coordination that should be undertaken among public utilities and among public utilities and other entities in the preparation and execution of contingency plans.

1. To what extent can and should public utilities be required to coordinate their contingency plans with other utility systems within a State's jurisdiction?

2. To what extent should this commission rely upon State regulatory

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clarify) 44 FR 48,455 (Aug. 8, 1979), (issued Aug. 1, 1979), amended (to extend effectiveness until April 30, 1980) 44 FR 61,953 (Oct. 23, 1979), (issued Oct. 23, 1979), amended (to extend effectiveness to April 30, 1981), 45 FR 23,684 (Apr. 8, 1980), (issued Apr. 1, 1980).

authorities to coordinate utility contingency plans within that State's jurisdiction?

3. Should two or more States in which service is provided by the same utility system, holding company or pool be encouraged to coordinate their contingency plans for such system, holding company or pool?

4. What role, if any, should State and Federal emergency preparedness planners be asked to play in the review and approval process regarding covered contingency plans?

5. Is it feasible or desirable for combined or joint contingency plans to be filed by utilities which coordinate their contingency actions in accordance with contractual agreements?

6. What effect may coordination have upon reliability?

III. Accommodation of Shortages

A. *Monitoring of Plans.* Subsection 202(g)(3) requires that the Commission issue rules requiring public utilities to accommodate shortages of energy or capacity in a manner which gives due consideration to the public health, safety and welfare and which provides that all persons served directly or indirectly by the public utility will be treated without undue prejudice or disadvantage. Under the broadest interpretation of this section, the commission, having established end use curtailment plans to be employed in the event of shortages of energy or capacity, would during such a shortage monitor the actions of public utilities and insure that they comply with the procedures set forth in their filed contingency plans.

1. In what manner could such monitoring and supervision best occur?

2. Do public utilities, either independently or through the Reliability Councils, have the ability and authority to take necessary measures during a shortage or is there a requirement for more centralized implementation through either the FERC or the Economic Regulatory Administration at the Federal level and the State regulatory authority at the State level?

3. How does the authority of the FERC under section 202(g) relate to its other authority under section 202 of the Federal Power Act?

B. *Revision of Plans.* The statute requires that public utilities periodically revise contingency plans submitted to and approved by the Commission.

1. How often should revisions be required as well as what changes or revisions in the plan should be required or permitted to be filed to adjust any previously-approved contingency plan in light of any specifically anticipated shortage? A particular anticipated

shortage may call for treatment not anticipated in the prepared contingency plan.

2. What is the nature of the relationship between the mandatory contingency plans filed with the FERC by public utilities subject to its jurisdiction and the contingency plans requested to be filed with the Economic Regulatory Administration, on a voluntary basis, by all utilities regardless of their jurisdictional responsibilities to the Commission.⁵

3. What should be the nature of public participation, if any, that should be received on specific utility contingency plans prior to the Commission accepting or rejecting a plan or ordering that it be modified?

4. Should public notice be offered of each contingency plan and time allowed for comment by interested parties?

5. Should there be an opportunity for public hearings in the affected service areas?

6. Should the contingency plans required to be filed with the Commission be filed following a specified format or should filing utilities be allowed flexibility in showing how the plan meets specified requirements?

Summary

The Commission has attempted to set out in this Notice of Inquiry the areas of particular concern to the Commission as it undertakes implementation responsibilities under Section 206. The Commission invites suggestions of issues or particular areas of concern other than those mentioned herein.

After receipt and evaluation of written comments, the Commission may choose to initiate a rulemaking or to continue its consultation with affected public and private entities. This could be accomplished through informal conferences, formal hearings or in some other manner. Judgment will be reserved on future procedures until after a review of the written comments. The Commission would be interested in knowing the degree to which parties commenting on this Notice would find useful an opportunity to engage in some manner of informal on-the-record

⁵ The Federal Power Commission, predecessor agency to the FERC, requested all electric utilities to voluntarily file with the Commission contingency plans that they anticipated placing into effect should they experience a shortage of electric energy or capacity. Order No. 445, 37 FR 782 (Jan. 19, 1972), partially repealed by Order No. 53, 44 FR 61,948 (Oct. 29, 1979). Responsibility for the collection and maintenance of the voluntary contingency plans filed pursuant to this regulation was transferred on October 1, 1977, to the Economic Regulatory Administration consistent with its responsibilities for power supply reliability. 42 U.S.C. 7101-7352 (Supp. I 1977).

discussions with Commission Staff, as well as with other affected parties.

Written Comment Procedures

The Commission invites interested persons to submit written comments on the matters discussed in this Notice. Comments must identify, by number, the portion of this Notice to which they are responding. Commenters are also requested to answer each question in a separate paragraph. An original and 14 conformed copies of such comments must be filed with the Commission by June 23, 1980. Comments should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should refer to Docket No. RM79-52.

Written comments will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

(The Federal Power Act, as amended, 16 U.S.C. 792 *et seq.* (1976); Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.* (Supp. I 1977); Public Utility Regulatory Policies Act, Pub. L. No. 95-617, 92 Stat. 3117, *et seq.* (1978); Executive Order No. 12009, 3 C.F.R. 142 (1978))

By direction of the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12906 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of West Virginia

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of determination of completeness of submission.

SUMMARY: On March 3, 1980, the State of West Virginia submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has

determined the submission is incomplete.

ADDRESSES: Written comments on the program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays, at:

Office of Surface Mining Reclamation and Enforcement, 950 Kanawha Blvd., East, Charleston, West Virginia 25301

Copies of the full text of the proposed program are available for review during regular business hours at the OSM regional office above and at the following locations:

Office of Surface Mining, Beckley District Office, 19 Mallard Court, Beckley, West Virginia 25801, Phone: (304) 255-5265.

Office of Surface Mining, Clarksburg Field Office, 501 West Main Street, DeSales Hall, Room 214, Clarksburg, WV 26301, Phone: (304) 623-2913.

Department of Natural Resources, Division of Reclamation, Room 322, 1800 Washington Street, E., Charleston, WV 25305, Phone: (304) 348-3267.

Office of Surface Mining, Morgantown Field Office, New Fed. Bldg., 2nd Floor, 75 High Street, Post Office Box 886, Morgantown, WV 26505, Phone: (304) 291-5821.

Office of Surface Mining, Pineville Field Office, 17 Main Street, Pineville, WV 24874, Phone: (304) 732-8850.

Dept. of Natural Resources, Route 16, MacArthur, WV 25873, Phone: (304) 255-0401.

Division of Reclamation, Morgantown Street, Bruceton Mills, WV 26525, Phone: (304) 379-2671.

Department of Natural Resources, Elkins Operations Center, Elkins, WV 26241, Phone: (304) 639-1767.

Department of Natural Resources, 1304 Goose Run Road, Fairmont, WV 26554, Phone: (304) 366-5880.

Division of Reclamation, Chalet Village, Mount Gay, WV 25637, Phone: (304) 752-6839.

Dept. of Natural Resources, 312 Main Avenue, Nitro, WV 25143, Phone: (304) 755-9141.

Division of Reclamation, 117 South Main Street, Philippi, WV 26416, Phone: (304) 457-3219.

Division of Reclamation, 1180 Broad Street, Summersville, WV 26651, Phone: (304) 872-5616.

Division of Reclamation, Hicks Building, Welch, WV 24801, Phone: (304) 436-4507.

FOR FURTHER INFORMATION CONTACT: Mr. David Halsey, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, 950 Kanawha Blvd., East, Charleston, West Virginia 25301, Phone (304) 344-2331.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the State of West Virginia. Pursuant to the Provisions of 30 CFR Part 732, "Procedures and Criteria for Approval

or Disapproval of State Program Submissions" (44 FR 15326-15328, March 13, 1979), the Regional Director, Region I, published notification of receipt of the submission in the Federal Register of Monday, March 10, 1980 (45 FR 15190-15191) and in the following newspapers of general circulation within the State:

Charleston Daily Mail, Charleston, West Virginia

Clarksburg Exponent, Clarksburg, West Virginia

Mineral Daily News Tribune, Keyser, West Virginia

Nicholas Chronicle, Summersville, West Virginia

Raleigh Register, Beckley, West Virginia

Wheeling News Register, Wheeling, West Virginia

The March 10, 1980, notice presented information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the submission, announcement of a public review meeting on April 9, 1980, in Charleston, West Virginia, to discuss the submission and its completeness, and announcement of a public comment period until April 11, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and Federal Register notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with Section 732.11(c) of the permanent regulatory program regulations, the following required elements are missing from the proposed permanent regulatory program:

1. Regulations which are essential to allow for program approval in accordance with 731.14(a);

2. A legal opinion from the Attorney General as required by 731.14(c);

3. Descriptions of the State's system for,

a. insurance in accordance with 731.14(g)(3),

b. administering and enforcing performance standards in accordance with 731.14(g)(6), and

c. assessing and collecting civil penalties in accordance with 731.14(g)(7).

West Virginia may submit additions to remedy the incomplete elements identified by the completeness review and any other modifications of the proposed program until June 15, 1980. If the State fails to supply these missing elements by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d). As of April 15, 1980, the State had amended their initial submission by adding a copy of Enrolled House Bill 1529 which was signed into law by the Governor on March 25, 1980, a copy of the State's Administrative Procedures Act, and a copy of Chapter 50, Article 2 of the State Code.

No later than June 20, 1980, the Regional Director will publish a notice in the Federal Register and in the following newspapers of general circulation initiating substantive review of the submission:

Charleston Daily Mail, Charleston, West Virginia

Clarksburg Exponent, Clarksburg, West Virginia

Mineral Daily News Tribune, Keyser, West Virginia

Nicholas Chronicle, Summersville, West Virginia

Raleigh Register, Beckley, West Virginia

Wheeling News Register, Wheeling, West Virginia

This review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environment impact statement with respect to the regulatory program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d) which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 18, 1980.

Patrick B. Boggs,
Acting Regional Director, Region I Office of
Surface Mining

[FR Doc. 80-12973 Filed 4-25-80; 8:45 am]
BILLING CODE 4310-05-M

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the Commonwealth of Pennsylvania

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of determination of completeness of submission:

SUMMARY: On February 29, 1980, the Commonwealth of Pennsylvania submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the submission is incomplete.

ADDRESSES: Written comments on the program and a summary of the public meeting are available for public review, 8 a.m.—4 p.m., Monday through Friday, excluding holidays, at:

Office of Surface Mining Reclamation and Enforcement, 950 Kanawaha Blvd., East, Charleston, West Virginia 25301

Copies of the full text of the proposed program are available for review during regular business hours at the OSM regional office above and at the following locations:

Office of Surface Mining, Johnstown District Office, Penn Traffic Bldg., 3rd Floor, 319 Washington Street, Johnstown, PA 15901, Phone: (814) 533-4223

Office of Surface Mining, Clarion Field Office, Clarion State College, Clarion, PA 16214, Phone: (814) 226-4230

Office of Surface Mining, Somerset Field Office, 651 S. Central Avenue, Morocco Building, Somerset, PA 15501, Phone: (814) 443-4844

Office of Surface Mining, DuBois Field Office, 107 N. Brady Street, P.O. Box 647, DuBois, PA 15801, (814) 371-1240

Office of Surface Mining, Indiana Field Office, North 8th & Waters Streets, P.O. Box 185, Indiana, PA 15701, Phone: (412) 463-0216

Office of Surface Mining, Washington Field Office 75 East Maiden Street, Washington, PA 15301, Phone: (412) 228-4710

Office of Surface Mining, Clearfield Field Office, Multi-Service Center, 950 Leonard Street, Clearfield, PA 16830, Phone: (814) 765-1503

Dept. of Environmental Resources, Pittsburgh Regional Office, The Kossman Building, 100 Forbes Avenue, Pittsburgh, PA 15222, Phone: (412) 565-5023

Dept. of Environmental Resources, Wernersville Regional Office, Wernersville State Hospital, Building 10, Wernersville, PA 19565, Phone: (215) 670-0301

Dept. of Environmental Resources, Norristown Regional Office, 1875 New Hope Street, Norristown, PA 19401, Phone: (215) 631-2400

Dept. of Environmental Resources, Wilkes/Kingston Reg. Office, 90 E. Union Street, 2nd Floor, Wilkes Barre, PA 18701, Phone: (717) 826-2511

Dept. of Environmental Resources, Hawk Run District Office, Hawk Run, Water Treatment Plant, Hawk Run, PA 16840, Phone: (814) 342-5399

Dept. of Environmental Resources, Knox District Office, White Memorial Building, Knox, PA 16232, Phone: (814) 797-1191

Dept. of Environmental Resources, Fulton Bank Bldg., 10th Floor, Thrd & Locust Streets, Harrisburg, PA 17120, Phone: (717) 787-4686

Office of Surface Mining, Wilkes Barre District Office, 20 N. Pennsylvania Avenue, Room 3107, Wilkes Barre, PA 18701, Phone: (717) 823-0563

Dept. of Environmental Resources, Meadville Regional Office, 1012 Water Street, Meadville, PA 16335, Phone: (814) 724-8557

Dept. of Environmental Resources, Williamsport Regional Office, 736 West Fourth Street, Williamsport, PA 17701, Phone: (717) 326-2681

Dept. of Environmental Resources, Harrisburg Regional Office, 407 S. Cameron Street, Harrisburg, PA 17101, Phone: (717) 783-2818

Dept. of Environmental Resources, Pottsville District Office, Motor Contracts Building, 108 S. Claude A. Lord Blvd., Pottsville, PA 17901, Phone: (717) 622-8181

Dept. of Environmental Resources, Ebensburg District Office, The Prave Building, 122 S. Center Street, Ebensburg, PA 15931, Phone: (814) 472-6344

Dept. of Environmental Resources, Greensburg District Office Armbrust Professional Bldg., R.D. #2, Greensburg, PA 15601, Phone (412) 925-8115

FOR FURTHER INFORMATION CONTACT:

Mr. David, Halsey, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, 950 Kanawaha Blvd., East, Charleston, West Virginia 25301, Phone (304) 344-2331

SUPPLEMENTARY INFORMATION: On February 29, 1980, OSM received a proposed permanent regulatory program from the Commonwealth of Pennsylvania. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 FR 15326-15328, March 13, 1979), the Regional Director, Region I, published notification of receipt of the submission in the Federal Register of March 11, 1980 (45 FR 15575-15576), and in the following newspapers of general circulation within the State:

Philadelphia Bulletin, Philadelphia, Pennsylvania
Pittsburgh Press, Pittsburgh, Pennsylvania

The March 11, 1980, notice presented information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the submission, announcement of a public review meeting on April 10, 1980, in Indiana, Pennsylvania, to discuss the submission and its completeness, and announcement of a public comment period until April 11, 1980, for members

of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and Federal Register notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the submission does not fulfill the content requirements for program submissions under 30 CFR 731.14 and is therefore incomplete.

In accordance with Section 732.11(c) of the permanent regulatory program regulations, the following required elements are missing from the proposed permanent regulatory program:

(a) Proposed surface mining regulations as required by 30 CFR 731.14(a);

(b) A legal opinion of the chief legal officer with a section-by-section comparison of the Pennsylvania laws and regulations with the Federal Act and regulations as required by 30 CFR 731.14(c);

(c) A system for assessing fees for permit applications as required by 30 CFR 731.14(g)(2);

(d) A system for liability insurance as required by 30 CFR 731.14(g)(3);

(e) An inspection and monitoring system as required by 30 CFR 731.14(g)(4);

(f) An enforcement system as required by 30 CFR 731.14(g)(5);

(g) A system for administering and enforcing the permanent program performance standards as required by 30 CFR 731.14(g)(6);

(h) A system for assessing and collecting civil penalties as required by 30 CFR 731.14(g)(7);

(i) A system for issuing public notices and holding public hearings as required by 30 CFR 731.14(g)(8);

(j) A system for designating lands unsuitable as required by 30 CFR 731.14(g)(11);

(k) A system for monitoring and enforcing restrictions against direct and indirect financial interests as required by 30 CFR 731.14(g)(12);

(l) A system for providing public participation in the development, revision and enforcement of state regulations, the program and permits issued under the program as required by 30 CFR 731.14(g)(14);

(m) Administrative and judicial review systems as required by 30 CFR 731.14(g)(15);

(n) A summary table of existing and proposed staff as required by 30 CFR 731.14(i);

(o) A staffing adequacy description as required by 30 CFR 731.14(j);

(p) Budgetary information as required by 30 CFR 731.14(l);

(q) A description of existing and proposed physical resources for use in the program as required by 30 CFR 731.14(m); and

(r) A brief description of other programs administered by your agency as required by 30 CFR 731.14(o).

Pennsylvania may submit additions to remedy the incomplete elements identified by the completeness review and any other modifications of the proposed program until June 15, 1980. If the State fails to supply these missing elements by that deadline, its program will be initially disapproved by the Secretary as set forth in 30 CFR 732.11(d).

No later than June 20, 1980, the Regional Director will publish a notice in the Federal Register and in the following newspapers of general circulation initiating substantive review of the submission:

Philadelphia Bulletin, Philadelphia, Pennsylvania
Pittsburgh Press, Pittsburgh, Pennsylvania

This review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the regulatory program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d) which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 18, 1980.

Patrick B. Boggs,
Acting Regional Director, Region I Office of Surface Mining.

[FR Doc. 80-12974 Filed 4-25-80; 8:45 am]

BILLING CODE 4310-05-M

ACTION: Notice of determination of completeness of submission.

SUMMARY: On March 3, 1980, the State of Virginia submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the submission is complete.

ADDRESSES: Written comments on the program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays, at:

Office of Surface Mining Reclamation and Enforcement, Region I, 950 Kanawha Boulevard, East, Charleston, West Virginia 25301

Copies of the full text of the proposed program are available for review during regular business hours at the OSM regional office above and at the following locations:

Office of Surface Mining, Richlands Field Office, Gateway Shopping Center, Highway 460, Richlands, VA 24041, Phone: (703) 964-4022

Virginia Dept. of Conservation and Economic Development, 1100 State Office Building, Richmond, VA 23219, Phone: (804) 786-2121
Buchanan Co. Public Library, Grundy, VA 24614, Phone: (703) 935-2959

Office of Surface Mining, Lebanon District Office, Flannagan & Carroll Sts., Lebanon, VA 24266, Phone: (703) 889-4032

Virginia Division of Mined Land Reclamation, Drawer U, 620 Powell Avenue, Big Stone Gap, VA 24219, Phone: (703) 523-2925

The Virginia State Library, Library Building, 11th & Capitol Sts., Richmond, VA 23219, Phone: (804) 786-8929

Lee Co. Public Library, 406 Joslyn Avenue, Pennington Gap, VA 24277, Phone: (703) 546-1141

Scott Co. Public Library, P.O. Box 8, Gate City, VA 24251, Phone: (703) 386-3302

Wise Co. Public Library, Ridgelyfield Acres, Wise, VA 24293, Phone: (703) 328-8061

Dickenson Co. Public Library, P.O. Box 650, Clintwood, VA 24228, Phone: (703) 928-8617

Russell Co. Public Library, Library Courthouse, Lebanon, VA 24266, Phone: (703) 889-2881

Tazewell Co. Public Library, Main Street, Tazewell, VA 24651, Phone: (703) 988-2541

FOR FURTHER INFORMATION CONTACT: Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, 950 Kanawha Blvd., East, Charleston, West Virginia 25301, Phone: (304) 344-2331

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the

State of Virginia. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 F.R. 15326-15328, March 13, 1979), the Regional Director, Region I, published notification of receipt of the submission in the Federal Register of March 11, 1980, (45 F.R. 15576-15578) and in the following newspapers of general circulation within the State:

Bristol Herald Courier, Bristol, Virginia
Kingsport Times-News, Kingsport, Tennessee
Richmond Times-Dispatch, Richmond, Virginia

The March 11, 1980, notice set forth information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the submission, announcement of a public review meeting on April 10, 1980, in Big Stone Gap, Virginia, to discuss the submission and its completeness, and announcement of a public comment period until April 11, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and Federal Register notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the submission fulfills the content requirements for program submissions under 30 CFR 731.14 and is therefore complete.

Virginia may submit modifications of the proposed program until June 15, 1980.

No later than June 20, 1980, the Regional Director will publish a notice in the Federal Register and in the following newspapers of general circulation initiating substantive review of the submission:

Bristol Herald Courier, Bristol, Virginia
Kingsport Times-News, Kingsport, Tennessee
Richmond Times-Dispatch, Richmond, Virginia

This review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the regulatory

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Determination of Completeness for Permanent Program Submission From the State of Virginia

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d)) which states that approval of State programs shall not constitute a major action within the meaning of Section 120(2)(C) of the National Environmental Policy Act.

Dated: April 18, 1980.

Patrick B. Boggs,
Acting Regional Director, Region I Office of
Surface Mining.

[FR Doc. 80-12975 Filed 4-25-80; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Ohio

AGENCY: Office of Surface Mining
Reclamation and Enforcement (OSM)
U.S. Department of the Interior.

ACTION: Notice of Determination of
Completeness of Submission.

SUMMARY: On February 29, 1980 the State of Ohio submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the Ohio program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded a review and has determined the program submission is incomplete.

ADDRESSES: Written comments on the Ohio program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays at:

Office of Surface Mining, Region III, Fifth
Floor, Room 510, Federal Building and U.S.
Courthouse, 46 East Ohio Street,
Indianapolis, Indiana 46204

Copies of the full text of the proposed Ohio program are available for review during regular business hours at the OSM regional office above and at the following offices of the State Regulatory Authority:

Ohio Division of Reclamation, Department of
Natural Resources, Fountain Square,
Building B, Columbus, Ohio 43224

Ohio Division of Reclamation, District II, 1894
East High Street, New Philadelphia, Ohio
44663

Ohio Division of Reclamation, District IV,
Technical Building, 850 Airport Road,
Route 4, Zanesville, Ohio 43701

Ohio Division of Reclamation, District V,
Road #1, National Road, St. Clarksville,
Ohio 43950

Ohio Division of Reclamation, District VI, 360
East State Street, Athens, Ohio 45701

Ohio Division of Reclamation, District VI, 36
Portsmouth Street, Jackson, Ohio 45640

FOR FURTHER INFORMATION CONTACT:
Mr. J. M. Furman, Assistant Regional
Director, Office of Surface Mining, Fifth
Floor, Room 527 Federal Building and
U.S. Courthouse, 46 East Ohio Street
Indianapolis, Indiana 46204, Telephone:
(317) 269-2629

SUPPLEMENTARY INFORMATION: On
February 29, 1980, OSM received a
proposed permanent regulatory program
from the State of Ohio. Pursuant to the
provisions of 30 CFR Part 732,
"Procedures and Criteria for Approval
or Disapproval of State Program
Submissions" (44 FR 15326-15328, March
13, 1979), the Regional Director, Region
III, published notification of receipt of
the Ohio program submission in the
Federal Register of March 7 1980, (45 FR
14883-14884) and in the following
newspapers of general circulation
within the State:

Columbus Dispatch, Youngstown Vindicator,
Zanesville Times Recorder

The March 7, 1980, notice set forth
information concerning public
participation pursuant to 30 CFR 732.11.
This information included a summary of
the Ohio program submission,
announcement of a public review
meeting on April 11, 1980, in Columbus,
Ohio, to discuss the submission and its
completeness, and announcement of a
public comment period until April 16,
1980, for members of the public to
submit written comments relating to the
program and its completeness. Further
information may be found in the
permanent regulatory program
regulations and Federal Register notice
referenced above.

This notice is published pursuant to 30
CFR 732.11(b), and constitutes the
Regional Director's decision on the
completeness of the Ohio program.
Having considered public comments,
testimony presented at the public review
meeting and all other relevant
information, the Regional Director has
determined that the Ohio submission
does not fulfill the content requirements
for program submissions under 30 CFR
731.14 and is therefore incomplete.

In accordance with § 732.11(c) of the
permanent regulatory program
regulations, the following required
elements are missing from the proposed
Ohio permanent regulatory program:

1. The Ohio Program Submission does
not include a copy of state regulations
which have been promulgated or which
are in the process of promulgation to
implement and enforce their amended
State law which is in the process of
enactment, as required by § 731.14 (a) of
30 CFR, Chapter VII.

2. The Ohio Program Submission does
not contain copies of all other State

laws and regulations directly affecting
the regulation by Ohio of coal
exploration and surface coal mining and
reclamation operations as required by
§ 731.14 (b) of 30 CFR, Chapter VII.
Specifically, § 121.13 and Chapter
1521.06 of the Ohio Revised Code, which
are referenced in Ohio's proposed Law,
have not been included.

3. The Ohio Program Submission does
not include a legal opinion from the
Ohio Attorney General or the Chief
Legal Officer of the State Regulatory
Authority stating that the State will
have the legal authority through state
laws and regulations, which are in the
process of enactment, to implement,
administrate and enforce the program
and to regulate coal exploration and
surface coal mining and reclamation
operations in accordance with the Act
and consistent with 30 CFR Chapter VII
as required by § 731.14(c) of 30 CFR
Chapter VII.

4. The Ohio Program Submission does
not specify the systems that will be
established to issue coal exploration
approvals and underground mining
permits for operations where surface
effects have developed as required by
§ 731.14(g)(1) of 30 CFR Chapter VII.

5. The Ohio Program Submission does
not include a description of the
procedures which will be employed to
integrate public participation in the
revision and enforcement of State
Regulations, the State Program and
permits under the State Program as
required by § 731.14(g)(14) of 30 CFR
Chapter VII.

Ohio may submit additions to remedy
the incomplete elements identified by
the completeness review and any other
modifications of the proposed Ohio
program until June 12, 1980.

If the State fails to supply these
missing elements by that deadline, its
program will be initially disapproved by
the Secretary as set forth in 30 CFR
732.11(d). The Regional Director's
determination that the proposed
program is complete with respect to the
remaining elements required by 30 CFR
731.14, does not mean that those
elements are substantively adequate.

No later than June 17, 1980, the
Regional Director will publish a notice
in the Federal Register and in the
following newspapers of general
circulation initiating substantive review
of the Ohio submission:

Columbus Dispatch, Youngstown Vindicator,
Zanesville Times Recorder

This review will include a formal
public hearing and written comment
period. Procedures will be detailed in
that notice. Further information
concerning how that substantive review

will be conducted may be found in 30 CFR 732.12.

Part 732 of the permanent program regulations established a schedule for the review of all State program proposals based upon a final submission date of August 3, 1979. On July 25, 1979 the U.S. District Court for the District of Columbia in response to a suit filed by the State of Illinois, enjoined the Department of the Interior from requiring the submission of State programs under Section 503(a) of the Act until March 3, 1980.

As a result of this court ordered change in the required submission deadline the Office announced an amendment of § 731.12 of the final regulations in the October 22, 1979 Federal Register (44 FR 60969). The amended regulation revises the original schedule by making §§ 732.11, 732.12 and 732.13 inapplicable for post August 3, 1979 submissions. In lieu of this schedule, § 731.12(d) authorizes the Regional Director to make adjustments in the timing of the review process for State programs.

The following time-table sets forth the general schedule for review of the Ohio proposed State regulatory program:

As stated in the summary section above, the Ohio Program was submitted to OSM February 29, 1980. A Public Review Meeting was held in Columbus Ohio, April 11, 1980 with the 30 day comment period closing on April 16, 1980.

The Regional Director's completeness determination as contained in this Federal Register Notice will be officially submitted to Ohio on or before April 29, 1980 which is approximately (1) sixty days after the program was submitted and (2) 20 days after the close of the public review meeting period.

Submission of program changes by the State should occur approximately 45 days after the announcement of the Regional Director's completeness determination. A target date of June 12, 1980 has been established.

Public hearings will be held approximately 35 days after the deadline for the submission of program changes. Tentative hearing dates have been established for July 21, 1980 in St. Clarksville, Ohio and July 22, 1980 in Columbus, Ohio.

A final date for the submission of public comments will be established approximately 5 days after the public hearings are completed.

The initial decision of the Secretary will be announced approximately 40 days after the public hearings and approximately 180 days from the original date of the State submission.

The Office of Surface Mining is not preparing an environmental impact statement with respect to the Ohio regulatory program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d)) which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Date: April 21, 1980.

Edgar A. Imhoff,
Regional Director.

[FR Doc. 80-12837 Filed 4-25-80; 8:45 am]
BILLING CODE 4310-05-M

30 CFR Ch. VII

Determination of Completeness for Permanent Program Submission From the State of Maryland

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Notice of Determination of Completeness of Submission.

SUMMARY: On March 3, 1980, the State of Maryland submitted to OSM its proposed permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice announces the Regional Director's determination as to whether the program submission contains each required element specified in the permanent regulatory program regulations. The Regional Director has concluded his review and has determined the submission is complete.

ADDRESSES: Written comments on the program and a summary of the public meeting are available for public review, 8 a.m.-4 p.m., Monday through Friday, excluding holidays, at:

Office of Surface Mining Reclamation and Enforcement, 950 Kanawha Blvd., East, Charleston, West Virginia 25301

Copies of the full text of the proposed program are available for review during regular business hours at the OSM regional office above and at the following locations:

Office of Surface Mining, U.S. Dept. of the Interior, Morgantown Field Office, Federal Building, Room 229, Morgantown, WV 26505 (304) 291-5821

Department of Natural Resources, Tawes State Office Building, Annapolis, MD 21401, (301) 269-2261

Bureau of Mines, P.O. Drawer C, Westernport, MD 21562, (301) 359-3057

FOR FURTHER INFORMATION CONTACT: Mr. David Halsey, Assistant Regional Director, Office of Surface Mining, Reclamation and Enforcement, 950

Kanawha Blvd., East, Charleston, West Virginia 25301, Phone (304) 344-2331

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed permanent regulatory program from the State of Maryland. Pursuant to the provisions of 30 CFR Part 732, "Procedures and Criteria for Approval or Disapproval of State Program Submissions" (44 F.R. 15326-15328, March 13, 1979), the Regional Director, Region I, published notification of receipt of the submission in the Federal Register of Monday, March 10, 1980, (45 F.R. 15189-15190) and in the following newspapers of general circulation within the State:

The Sun, Baltimore, Maryland
Cumberland Times, Cumberland, Maryland

The March 10, 1980, notice presented information concerning public participation pursuant to 30 CFR 732.11. This information included a summary of the submission, announcement of a public review meeting on April 9, 1980, in Frostburg, Maryland, to discuss the submission and its completeness, and announcement of a public comment period until April 11, 1980, for members of the public to submit written comments relating to the program and its completeness. Further information may be found in the permanent regulatory program regulations and Federal Register notice referenced above.

This notice is published pursuant to 30 CFR 732.11(b) and constitutes the Regional Director's decision on the completeness of the program. Having considered public comments, testimony presented at the public review meeting and all other relevant information, the Regional Director has determined that the submission fulfills the content requirements for program submissions under 30 CFR 731.14 and is therefore complete.

Maryland may submit modifications to their program until June 15, 1980.

No later than June 20, 1980, the Regional Director will publish a notice in the Federal Register and in the following newspapers of general circulation initiating substantive review of the submission:

The Sun, Baltimore, Maryland
Cumberland Times, Cumberland, Maryland

This review will include a formal public hearing and written comment period. Procedures will be detailed in that notice. Further information concerning how that substantive review will be conducted may be found in 30 CFR 732.12.

The Office of Surface Mining is not preparing an environmental impact

statement with respect to the regulatory program, in accordance with Section 702(d) of SMCRA (30 USC Section 1292(d)) which states that approval of State programs shall not constitute a major action within the meaning of Section 102(2)(C) of the National Environmental Policy Act.

Dated: April 18, 1980.

Patrick B. Boggs,
Acting Regional Director, Region I Office of
Surface Mining.

[FR Doc. 80-12938 Filed 4-25-80; 8:45 am]
BILLING CODE 4310-05-M.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1476-3]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection
Agency.

ACTION: Proposed rule.

SUMMARY: U.S. Environmental Protection Agency (EPA) proposes to approve a revision to the Ohio State Implementation Plan for sulfur dioxide for the General Motors Packard Electric Division in Warren, Ohio. The proposed approval is based on documentation submitted by General Motors which demonstrates that the 1974 status quo emission limitation EPA promulgated on August 27, 1976 (41 FR 36324) does not accurately represent status quo. This proposed revision to the emission limitation will not jeopardize the attainment and maintenance of the ambient air quality standards.

DATE: A 30 day public comment period is provided to submit comments on the proposed revision. Comments must be received on or before May 28, 1980. Requests for a public hearing on this revision must be received no later than May 13, 1980.

ADDRESSES: Comments and requests for a hearing should be submitted to Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The docket (#5A-80-5) for the revision is available for inspection and copying during normal business hours at the above address and at the Central Docket Section, Room 2903B, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. EPA, Region V, 230 South

Dearborn Street, Chicago, Illinois 60604, telephone (312) 886-6039.

SUPPLEMENTARY INFORMATION: On August 27, 1976, the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing the State Implementation Plan (SIP) for the State of Ohio (41 FR 36324) amended November 30, 1976 (41 FR 52455), May 31, 1977 (42 FR 27588), August 15, 1979 (44 FR 47769), December 5, 1979 (44 FR 69928), and January 21, 1980 (45 FR 3998). This proposed rule amends the SIP as it applies to the General Motors Packard Electric Division in Warren, Ohio.

The Ohio sulfur dioxide plan for Warren, Ohio (Trumbull County) was based on 1974 status quo emissions and ambient air quality data for the majority of the sources. This data indicated attainment and maintenance of the annual and 24-hour primary standards through 1985. Furthermore, since these monitoring data indicate that the primary standards (annual and 24-hour) are more constraining than the secondary standard (3-hour), the 3-hour standard will be protected if the annual and 24-hour standards are protected.

Upon review of the emission data, the General Motors Packard Electric Division was subject to a 1.00 lb. sulfur dioxide (SO₂) per million Btu (MMBTU) actual heat input regulation which represented a status quo emission limit for the oil-fired steam generating units. However, on July 31, 1978, General Motors petitioned the U.S. EPA to revise the emission limitation for the Packard Electric Division oil-fired units to 1.10 lbs. SO₂ per MMBTU actual heat input based on documentation which demonstrates that the 1974 status quo and current emissions are closer to the 1.10 lbs. of SO₂ per MMBTU rather than 1.00 lbs. SO₂ per MMBTU.

The U.S. EPA has reviewed the General Motors petition and has determined that the proposed change will not jeopardize the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide.

The July 31, 1978 submittal also requested flexibility in the plant's averaging time for determining compliance of its coal boiler. The Agency cannot at this time grant the company any flexibility in the averaging time requirement. However, on February 11, 1980, EPA published in the Federal Register an Interim Enforcement Policy for Sulfur Dioxide Emission Limitations in Ohio (45 FR 9101) which is currently applicable to this plant.

Final promulgation of this revision will follow an analysis of all comments

submitted and will depend on its consistency with section 110 of the Clean Air Act.

Note.—The U.S. EPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: April 14, 1980.

John McGuire,
Regional Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1881 is amended as follows by adding (b)(60)(ix).

§ 52.1881 Control strategy: sulfur oxides (sulfur dioxide).

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

* * * * *

(60) In Trumbull County

* * * * *

(ix) The General Motors Packard Electric Division or any subsequent owner or operator of the General Motors facilities in Trumbull County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 1.10 pounds of sulfur dioxide per million BTU actual heat input for oil-fired steam generating units.

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[FR Doc. 80-12898 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 58

[FRL 1476-4]

Approval and Promulgation of State Implementation Plans; Colorado; State and Local Air Monitoring Stations (SLAMS)

AGENCY: Environmental Protection
Agency.

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to Colorado's State Implementation Plan to meet Federal Monitoring Regulations, 40 CFR Part 58, Subpart C, Paragraph 58.20, Air quality surveillance; plan content.

DATES: Comments due May 28, 1980.

ADDRESSES: Comments on this modification should be directed to; Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

Copies of the materials submitted by the Colorado Air Pollution Control Commission and comments received on this proposal may be examined during normal business hours at: Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Robert DeSpain, Chief Air Programs Branch, Region VIII, (303) 837-3471.

SUPPLEMENTARY INFORMATION: In a May 10, 1979, Federal Register notice, EPA required that by January 1, 1980, states shall adopt a revision to their plan which meets the requirements of 40 CFR Part 58, Subpart C, § 58.20. On December 14, 1979, the Colorado Air Pollution Control Division submitted a revision to their State Implementation Plan concerning compliance with these Federal Monitoring Regulations. EPA has reviewed the State's submittal and finds that it meets the requirements of Part 58.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 319 of the Clean Air Act as amended.

Dated: April 16, 1980.

Irwin L. Dickstein,
Acting Regional Administrator.

[40 FR Doc. 80-12900 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

[Docket No. DCO-78-59; FRL 1477-4]

Proposed Delayed Compliance Order for St. Regis Paper Co., Ferguson Mill, Monticello, Miss.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing a Delayed Compliance Order for St. Regis Paper Co., Ferguson Mill, at Monticello, Mississippi. This action is being taken because St. Regis Paper Co., Ferguson Mill, combination boiler has demonstrated by a particulate emission test that it is no longer in violation of Mississippi State

Implementation Plan provisions covered by the proposed Order.

DATE: This withdrawal is effective April 28, 1980.

FOR FURTHER INFORMATION CONTACT: G. Vinson Hellwig, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308, Telephone No. (404) 881-4253.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at 43 FR 19209, April 2, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed Delayed Compliance Order to be issued by EPA to St. Regis Paper Co., Ferguson Mill, at Monticello, Mississippi. St. Regis Paper Co., Ferguson Mill, has subsequently achieved compliance with the Mississippi State Implementation Plan regulations covered by the Order.

In consideration of the foregoing, the proposal published in the Federal Register (43 FR 19209) on April 2, 1979, entitled "Proposed Delayed Compliance Order for St. Regis Paper Co., Ferguson Mill, Monticello, Mississippi" is hereby withdrawn.

Dated: April 11, 1980.

John A. Little,
Acting Regional Administrator, Region IV.

[FR Doc. 80-12863 filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1476-5]

Designation of Areas for Air Quality Planning Purposes; Ozone Attainment Status Designation of Chatham County, Ga.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA is today proposing the redesignation of the Savannah-Chatham County, Georgia, area from unclassified to attainment for the ozone standard. Although this change would not alter the designation of the area as shown in the Code of Federal Regulations (40 CFR 81.311), the Agency is observing formal rulemaking procedures and asking for public comment on the proposed change. In 40 CFR 81.311 the area would continue to be shown as being unclassified or better than the national standard for ozone.

DATES: To be considered, comments must be received on or before May 28, 1980.

ADDRESSES: Comments should be sent to Melvin Russell of EPA Region IV's Air Programs Branch (address below).

Copies of the material submitted by the State may be examined during normal business hours at the following locations:

Public Information Reference Unit,
Library Systems Branch,
Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30308.
Air Protection Branch, Environmental Protection Division, Georgia Department of Natural Resources, 270 Washington Street, S.W., Atlanta, Georgia 30334.

FOR FURTHER INFORMATION CONTACT: Mr. Melvin Russell, Air Programs Branch, EPA Region IV 345 Courtland Street, NE., Atlanta, Georgia 30308, 404/881-3286 (FTS: 257-3286).

SUPPLEMENTARY INFORMATION: The Georgia Environmental Protection Division has submitted ozone monitoring data collected by an air pollution source in Chatham County (Savannah) for the period July-September 1979. The data has been reviewed by the Georgia Environmental Protection Division and EPA, and its quality and accuracy are assured. The data indicates that the area is attaining the ozone standard. The State requests that the Section 107 designation of the area be changed from unclassifiable to attainment. The effect of the redesignation would be to exclude the area from the requirements of the State's accommodative implementation plan for ozone and may make it unnecessary for a prospective source of volatile organic compounds subject to 40 CFR 52.21 (PSD) to perform preconstruction monitoring. In view of these facts, the continued effectiveness of the redesignation would be contingent upon the continuation of ozone monitoring in the area, and the collection of data showing attainment. Although Section 107(d)(1) of the Clean Air Act does not provide for the agency to make a formal distinction between unclassifiable and attainment in the case of an area's attainment status for ozone, EPA is following normal rulemaking procedures, and seeking public comment on the proposed change.

After considering all pertinent comments received, EPA will take formal action on the State's redesignation request.

(Sec. 107, Clean Air Act (42 U.S.C. 4707))

Dated: April 17, 1980.

John A. Little,

Acting Regional Administrator.

JFR Doc. 80-12897 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 180

[PP 9E2262/P132; FRL 1476-8]

Ethephon; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the plant growth regulator ethephon on guava at 0.1 part per million (ppm). The proposal was submitted by the Interregional Research Project No. 4. This regulation would establish a maximum permissible level for residues of ethephon on guava.

DATE: Comments must be received by May 28, 1980.

ADDRESS COMMENTS TO: Mrs. Patricia Critchlow, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow at the above address (202-426-0223).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903; on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii, has submitted a pesticide petition (PP 9E2262) to the EPA. This pesticide petition requests that the Administrator propose that 40 CFR 180.300 be amended by the establishment of a tolerance for residues of the plant growth regulator ethephon ((2-chloroethyl)phosphonic acid) in or on the raw agricultural commodity guava at 0.1 ppm.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included a chronic two-year rat feeding study with no-observed-effect-levels (NOEL) of 30 ppm (based on anti-cholinesterase activity) and 3,000 ppm (based on systemic effects); two 2-year dog feeding studies, one with an NOEL of 50 ppm and another with NOELs of 30 ppm (based on anticholinesterase activity) and 300 ppm (based on systemic effects); a rabbit teratology study with an NOEL of 1,000 ppm, a three-generation rat reproduction

study with an NOEL of 1,500 ppm; a hen neurotoxicity study with an NOEL OF 1,000 ppm. A minimal amount of data regarding oncogenesis is available from the two-year oral rat study. A second oncogenesis study in mice has been requested.

The acceptable daily intake (ADI) for this chemical is calculated to be 0.0125 milligram (mg)/kilogram (kg) of body weight (bw)/day based on the 50 ppm NOEL of the two-year dog feeding study using a 100-fold safety factor. Tolerances have been previously established for residues of ethephon in or on a variety of raw agricultural commodities, ranging from 0.1 ppm to 30 ppm. Existing tolerances result in a theoretical maximum residue contribution (TMRC) of 0.4 mg/day/1.5-kg daily diet. The maximum permissible intake (MPI) of ethephon is calculated to be 0.75 mg/day/60-kg human. The proposed tolerance level will result in an insignificant increase in the TMRC.

The metabolism of ethephon is adequately understood, and an adequate analytical method (gas chromatography) is available for enforcement purposes. There is no reasonable expectation of residues in meat, milk, poultry, and eggs as delineated in 40 CFR 180.6(a)(3). There are presently no actions pending against the continued registration of ethephon, nor are any other considerations involved in establishing the proposed tolerance.

The pesticide is considered useful for the purpose for which a tolerance is being sought, and it is concluded that the tolerance of 0.1 ppm on guava established by amending 40 CFR 180.300 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains any of the ingredients listed herein, may request within 30 days after publication of this proposal in the Federal Register that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP E2262/P132". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of Patricia Critchlow, Room 107,

East Tower, from 8:30 a.m. to 4 p.m. Monday through Friday.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This proposed rule has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

(Sec. 408(e), 68 Stat. 514, (21 U.S.C. 346a(e))

Dated: April 18, 1980.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

It is proposed that Part 180, Subpart C, § 180.300 be revised by editorially reformatting the section into an alphabetized columnar listing and by alphabetically inserting guava at 0.1 ppm; as follows:

§ 180.300 Ethephon; tolerances for residues.

Tolerances are established for residues of the plant growth regulator ethephon ((2-chloroethyl)phosphonic acid) in or on the following raw agricultural commodities:

Commodity	Parts per million
Apples.....	5
Blackberries.....	30
Blueberries.....	20
Cantaloupes.....	2
Cherries.....	10
Coffee beans.....	0.1 (N)
Cranberries.....	5
Figs.....	5
Filberts.....	0.5
Guava.....	0.1
Lemons.....	2
Peppers.....	30
Pineapples.....	2
Pineapples, fodder.....	3
Pineapples, forage.....	3
Tangerines.....	0.5
Tangerines, hybrids.....	0.5
Tomatoes.....	2
Walnuts.....	0.5

[40 FR Doc. 80-12894 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 712

[FRL 1479-5; OTS-082004E]

Pesticides and Toxic Substances; General Recordkeeping and Reporting Requirement: Preliminary Assessment Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Response to petition; clarification of proposed rule.

SUMMARY: The Chemical Manufacturers Association (CMA) presented a petition to EPA on March 17, 1980. The petition requests the Agency to augment the

rulemaking record for its Preliminary Assessment Information Rule proposed February 29, 1980 (45 FR 13646) under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a). CMA requests that EPA place in the rulemaking record certain detailed information on approximately 2200 chemicals for which the Agency is soliciting basic data for preliminary assessment purposes. CMA also requests an extension of the comment period following this augmentation. In this notice EPA provides specific clarifications in response to the petition, but denies the request for extensive augmentation of the record on each chemical. The comment period is not extended.

DATE: The comment period for the proposed rule ends on May 14, 1980. The preamble to the rule erroneously stated that the comment period closed on May 6. This was changed in the Federal Register of April 7, 1980, 45 FR 23473.

ADDRESS: Comments on the proposed rule should be addressed to the Document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances [TS-793], 401 M Street, SW, Washington, D.C. 20460. Comments should bear the identifying notation OTS-082004E. This notice, the petition, and other public records in this proceeding, are available for public inspection in Room 447 East Tower at that address from 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office, Environmental Protection Agency, Office of Pesticides and Toxic Substances [TS-799], 401 M Street, SW, Washington, D.C. 20460; 800-424-9065 (toll free); in Washington, 554-1404.

SUPPLEMENTARY INFORMATION:

Proposed Rule

EPA's proposed Preliminary Assessment Information rule would require manufacturers of certain chemical substances to complete and submit to the Agency's Office of Pesticides and Toxic Substances (OPTS) a 1½ page form containing information basic for determining broad estimates of exposure to the chemicals. The information will be reported in simplified, summary form. It should require a minimum of effort to complete for each chemical. The information would be readily obtainable by a company's management and supervisory employees; extensive file searches would not be required. The rule does not require reporting from persons engaged in all phases of chemical production and

processing, but focuses primarily on chemical manufacturers and importers, asking them to report as best they can on known uses and workplace exposures experienced by their customers or the general public.

The rule would request data on approximately 2200 chemical substances and eight categories of substances primarily to support ranking of chemicals for entry into a risk assessment process and to support the very early phases of risk assessment. Nothing in the proposed rule indicates any intention by the Agency to initiate immediate regulatory control proceedings based on the information gathered in the rule.

The Petition

On March 17, 1980, CMA petitioned EPA to:

1. Provide a more complete explanation of its rationale for selecting each of the 2200 chemicals for reporting,

2. Collect all information CMA believes to be relevant in a single location for all chemicals, and

3. Extend the comment period on the rule for 60 days after the requested record augmentation is completed. CMA asserts that, if EPA carries out its requests, industry would be able to provide more meaningful comment on whether inclusion of particular chemicals in the rule is justified.

The petition states that "ideally" EPA should prepare a separate "dossier" on each chemical and category. Each dossier would fully describe EPA's rationale and contain all non-confidential information concerning the Agency's review of the chemical. The petition also asserts that, to the extent EPA considers its use and exposure data inadequate, it must describe all such information and, chemical-by-chemical, say why the data are not adequate.

CMA lists eight groups of chemicals subject to the rule for which it feels EPA must provide more complete descriptions of its rationale. Four of the groups consist of chemicals evaluated by the Interagency Testing Committee (ITC) established by section 4(e) of TSCA to recommend to the Agency chemicals for priority testing. Two of the groups consist of chemicals for which EPA scientists have already prepared preliminary assessments. One group, by far the largest, consists of large volume chemicals chosen from the Inventory of chemical substances EPA has compiled under the requirements of section 8(b) of TSCA. The final group consists of the eight categories of chemicals subject to the rule.

a. *ITC chemicals.* One of the ITC groups consists of approximately 180

chemicals for which the ITC has already recommended that EPA issue testing rules under section 4 of TSCA. Two groups of ITC chemicals consist of approximately 270 for which the ITC could not find adequate use and exposure information. One group consists of approximately 280 chemicals for which the ITC found indications of significant potential for toxicity. CMA asserts that EPA must include in the record a full description of use and exposure information compiled by the ITC and a statement of the shortcomings of this information. To the extent that EPA does not presently possess documents which reflect these matters, CMA states that such documents must now be prepared and included in the rulemaking record for individual chemicals.

b. *Groups of chemicals which EPA scientists have evaluated.* EPA has prepared evaluation documents, called "status reports," on chemicals which industry has submitted under the "substantial risk" reporting provisions of section 8(e) of TSCA, 15 U.S.C. 2607(e). In addition, on its own initiative, the Agency has had its scientists evaluate chemicals by performing preliminary literature searches and analyses. The documents generated in this process are called Chemical Hazard Information Profiles (CHIP's). Some chemicals on which EPA has prepared status reports or CHIP's are subject to the Preliminary Assessment Information rule. CMA notes that while the documents recommend gathering additional information on use or exposure, the documents do not contain detailed evaluations of all information currently available or statements of how additional information would further the Agency's assessment. CMA asserts that such explanations are required for each of these chemicals.¹

c. *Large volume chemicals selected from the Inventory.* EPA selected over 1700 chemicals from the Inventory on the basis that they were large volume chemicals. CMA notes that the criterion for deciding what is "large volume" has not been disclosed by EPA. CMA also claims that it is unclear what criteria EPA used to exclude certain high volume chemicals from reporting. EPA did exclude polymers, chemicals with undefined or variable composition, and chemicals for which data appeared in standard reference books. CMA states it

¹CMA states that a number of the status reports have reached firm conclusions about a chemical's risk potential and implies that because of this no further data would be needed. On the contrary, the status reports represent evaluations of specific data and studies and are not comprehensive assessments the Agency uses to draw "firm conclusions."

is unclear whether any other criteria were used.

d. *Chemical categories.* CMA asserts that EPA has offered no explanation of what criteria it used to place chemicals in the eight categories. CMA requests that such explanation be given.

In addition to its specific concerns summarized above, CMA states as a general concern that EPA must clearly describe on the rulemaking record the nature and extent of its search for alternative sources of information on each chemical subject to the rule. Alternative sources include various public sources, as well as information available in other federal agencies. CMA states that these descriptions must be available for each chemical when it is proposed for reporting under section 8(a).

In support of its request for EPA to augment its rulemaking record, CMA cites several judicial decisions concerning requirements for a federal agency to reveal data and other information on which it bases its regulatory actions.

Response

CMA states that it is petitioning this Agency under section 21 of TSCA and the Administrative Procedure Act (APA), 5 U.S.C. 551, *et seq.* Since CMA is not petitioning EPA to issue, amend or repeal a rule, neither section 21 of TSCA nor the APA applies. EPA, therefore, considers CMA's petition simply as a request to augment the rulemaking record and extend the comment period. This request is denied.

By submitting this petition, CMA has given EPA the opportunity to correct what CMA views as errors in the record at an early stage in the rulemaking proceeding. While EPA disagrees with CMA on certain of its comments, the Agency is clarifying its record in response to CMA's petition. The Agency appreciates CMA's candor and believes it is appropriate to respond at this time to the points CMA makes in its request rather than wait to reply fully in the preamble to the final rule.

EPA is not regulating chemicals in this Preliminary Assessment Information rule. Rather, the Agency is at the threshold of its inquiry on these chemicals. The information to be reported will help narrow the focus of EPA's risk assessment process and apply resources efficiently to a small percentage of the 2200 chemicals that appear to warrant further evaluation.² Because of the broad, threshold nature

of the inquiry, EPA sees no useful purpose in documenting the detailed rationale for including in the rule each of the hundreds of chemicals selected. Such detail may be useful when the Agency focuses on fewer numbers of chemicals for purposes of substantive regulation. At that period in time, detailed rationale may be necessary to permit adequate public comment on whether to proceed to regulation.

The general reasons and rationale EPA has given in the rulemaking record are sufficient for industry to provide adequate comment on this rule. The Agency considers it reasonable to conduct an initial investigation of chemicals selected by the general criteria it is has used. One criterion, high production volume, has long been used as an indicator of potentially significant exposure, and would alone account for approximately 1700 chemicals in the proposed rule. For the remainder, particularly the ITC chemicals, general information on toxicity suggests the need for further investigation.

Persons who derive commercial benefit from their activities respecting the chemicals should have in their possession information which would allow them to say whether the basic data requested in the rule is available from public sources, or whether supplying the data would impose excessive burdens on the industry. In addition, industry and other responsible members of the public can comment on whether the data EPA seeks would be relevant to deciding whether to commit Agency resources to further evaluate particular chemicals. Indeed, while CMA's petition asserts that industry will provide more meaningful comment if EPA provides more detailed chemical specific rationale for its decision, CMA at no point specifically shows what kinds of additional comment the more specific rationale would elicit. EPA has no indication that industry would provide comments any different from those they would provide in response to the present rulemaking record.

Furthermore, the Agency's evidentiary burden to support an investigatory rule is lower than that required to support substantive rulemaking. To place upon the Agency, at the information gathering stage, the same requirement that would support substantive regulation would prevent the Agency from obtaining in an efficient manner the basic information it needs to make intelligent decisions. The cases cited by CMA in support of its position that the Agency provide detailed justification are not applicable to rulemaking for information gathering purposes at threshold stages of inquiry.

They were all decided in the context of rules which imposed substantive restrictions or requirements. EPA believes that cases decided in the context of information gathering functions of administrative agencies provide better guidance in the case of the Preliminary Assessment Information rule. See eg. *United States v. Morton Salt*, 338 U.S. 632 (1950); *FTC v. Texaco*, 555, F. 2d 862 (D.C. Cir 1977).

While EPA disagrees with CMA's position on the level of detail the Agency must provide to justify its threshold inquiry and does not believe CMA has provided sufficient justification to support an extension of the comment period, the Agency will clarify certain issues raised in the petition. The Agency's position with respect to the groups of chemicals of concern to CMA and the points of clarification are discussed in the following paragraphs.

a. *ITC Chemicals.* Of the chemical groups derived from work by the ITC, three groups consist of chemicals lacking adequate exposure and use data, and one group consists of chemicals for which the ITC has recommended testing under section 4 of TSCA.

For the purpose of this rule, EPA has not reviewed in detail the first three groups of chemicals evaluated by the ITC. EPA did, however, screen these chemicals for availability of data. EPA determined that use and exposure data on these chemicals are inadequate because the chemicals did not appear in both the *National Occupational Hazard Survey* conducted by the National Institute for Occupational Safety and Health (NIOSH) and the *Chemical Economic Handbook* of the Stanford Research Institute. This selection process is further described in the preamble to the proposed Preliminary Assessment Information rule, 45 FR 13647, and in the rulemaking record as part of the discussion of how the chemical source lists were derived. ITC's procedures and EPA's evaluation are described in the rulemaking record. See "ITC Initial Report to the Administrator," 42 FR 55029; "TSCA-ITC Workshop Report," page B-41 *et seq.*, "Chemical Source Lists" (a description of how the lists were derived appears in the file). EPA is satisfied that the ITC's review raises sufficient concern about these chemicals to support the request for data contained in the proposed section 8(a) rule. EPA believes it would be counterproductive and involve an inordinate commitment of time and resources to review the ITC's

² An exception to this exists for the chemicals recommended for testing by the ITC. Their status will be discussed below.

determinations a second time for over 500 chemicals.

Pursuant to section 4(e) of TSCA, the Agency is currently assessing, and gathering data for, the chemicals which the ITC has recommended for testing. The Preliminary Assessment Information rule will supplement EPA's efforts under section 4 of TSCA. EPA has committed itself to deleting from the rule the chemicals already recommended for testing if it finds that the data are either not needed or that the Agency has been able to obtain the data from other sources. See 45 FR 13648.

The reports which the ITC submitted to EPA on these chemicals recommended for testing are now in the rulemaking record and are available for public review and comment.³

b. *Groups of chemicals which EPA scientists have evaluated.* The section 8(e) status reports and CHIP reports were undertaken as preliminary evaluations of chemicals by OPTS staff, who evaluated properties of chemicals in order to decide whether further investigation should be done. They were not prepared for the purpose of supporting a rule under section 8(a). All section 8(e) notices received from industry and EPA status reports prepared on them are available for public inspection except where specific data are claimed by submitters to be confidential business information protected from disclosure by section 14 of TSCA. In addition, EPA is planning to publish periodically both section 8(e) status reports and CHIP documents (45 FR 16333). The Agency believes it would be counterproductive for EPA to reconstruct, to a greater level of detail than that contained in the status report or CHIP the analysis performed by its staff in determining that adequate exposure and use information were not available. Instead, EPA expects to rely on the conclusions of its staff reviewers, particularly at the preliminary investigatory phase.

c. *Large volume chemicals selected from the Inventory.* CMA asked two questions on the chemicals selected from the Inventory: (1) What was the criterion for determining "large volume" of production? and (2) What were the criteria for excluding "large volume" chemicals from the list subject to the rule?

EPA cannot disclose publicly the criterion for determining "large volume." Disclosure could reveal information which was submitted to EPA under claims of confidentiality by companies

reporting for the Inventory. In many instances, competitors could compare EPA's criterion with the list of chemicals to discover from the public Inventory information that might compromise the confidentiality of production volume data claimed confidential by their submitters. EPA examined this question before proposal of the rule and again in response to CMA's petition. The Agency would prefer to make the information public, but has not been able to find a way to overcome the difficulty described. EPA, therefore, will place in a sealed portion of the administrative record its rationale for deciding on the criterion and will describe on the record the ways in which confidential information could be revealed.

With respect to CMA's second question on the chemicals selected from the Inventory, EPA will clarify the rulemaking record to provide a more complete explanation of how it eliminated certain chemicals. A summary of this clarification follows. All chemicals appearing in the published document entitled *TSCA Initial Inventory of Chemical Substances* which was announced on May 15, 1979, 44 FR 28558, were canvassed. Chemical substances added to the Inventory since then have not yet been canvassed. The EPA master file of reports will be reviewed according to the volume criterion when Inventory reporting concludes in 1980. Chemicals meeting the "large volume" criterion will be eligible for addition to the Preliminary Assessment Information rule by amendment.

From the "large volume" list EPA eliminated polymers, chemicals of undefined or variable composition, or chemicals on which data appear in both the *Chemical Economics Handbook* of Stanford Research Institute and the *National Occupational Hazard Survey* of the National Institute for Occupational Safety and Health.

EPA also deleted chemicals that are common foodstuffs encountered in large amounts, such as sugars, amino acids and carbonic acid salts. Sucrose appears on the list as a result of clerical error, but will also be deleted for the same reason. Other chemicals, such as NOx and SOx, were deleted because they are already under regulation by EPA, and sufficient information about them is available for purposes of preliminary assessment. Some chemicals are being studied under other regulatory programs, such as iron oxide and common sulfates and phosphates. Lists of these deleted chemicals have been

added to the record as have explanations for their deletion.

d. *Chemical categories.* CMA has requested clarification of EPA's reasons for deciding which members should be included in the 8 categories of chemicals listed in the proposal. The categories are the same as those categories of chemicals the ITC recommended for testing under section 4 of TSCA in their first four reports to EPA. See 42 FR 55027; 43 FR 16684; 43 FR 50630; 44 FR 31868.

Manufacturers will find most of the category members listed in the proposed rule by CAS number. Manufacturers who reported confidential identities for their chemicals on the Inventory can check to determine if their chemicals are within the category and then report on those chemicals under a claim of confidentiality without publicly disclosing the confidential identity.

As a final matter, CMA states that prior to proposing the inclusion of a chemical in the rule, the Agency should demonstrate in the record what steps it has taken to avoid unnecessary or duplicative reporting. The Agency agrees that, as the statute says, "to the extent feasible" it should "not require unnecessary or duplicative reporting." (Section 8(a)(2).) The Agency does not agree that all of its efforts to find information elsewhere must be completed prior to proposal. Instead, the course it has adopted is to continue its efforts to find information during the comment period, to solicit comment from the public as to sources of data and comment from industry members about reports they may have made in the past, and to seek information from other federal agencies. The success or failure of these ventures will be addressed in the final rulemaking.

Matters raised in CMA's petition and any reply to this response will be further addressed in the final rulemaking. Additional comments made in the petition to which this notice does not respond will be considered along with other comments received on the proposal. The Agency will clarify the rulemaking record to the extent noted in this notice. The petitioner's request for an extension of the comment period is denied.

Dated: April 22, 1980.

Edwin H. Clark II

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-12808 Filed 4-25-80; 8:45 am]

BILLING CODE 6550-01-M

³Moreover, CMA's petition indicates that the Association has reviewed the dossiers prepared by the ITC. Petition at 16.

40 CFR Part 712**[FRL 1476-7; OPTS-082004D]****Pesticides and Toxic Substances;
General Recordkeeping and Reporting
Requirement; Preliminary Assessment
Information****AGENCY:** Environmental Protection
Agency (EPA or the Agency).**ACTION:** Notice of public meetings in a
proposed rule.

SUMMARY: The Preliminary Assessment Information rule proposed on February 29, 1980, would apply to the manufacturers and some processors of over 2200 chemicals. The rule would obtain general use and exposure information on those chemicals. EPA announced in the proposal its intent to hold public meetings for the purpose of comment. This notice announces that EPA will accept requests for public meetings in Washington, D.C., to be held on or before May 14, 1980.

DATE: Comments on the proposed rule must be received on or before May 14, 1980.

ADDRESS: Written comments should be addressed to the Document Control Officer, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-793), 401 M Street, SW., Washington, D.C. 20460. Comments should bear the identifying notation: OTS-082004B. All comments received, as well as the public records in this proceeding, will be available for public inspection in Room 447 East Tower at that address from 8:00 a.m. to 4:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Industry Assistance Office, Environmental Protection Agency, Office of Pesticides and Toxic Substances (TS-799), 401 M Street, SW., Washington, D.C. 20460; 800-424-9065 (toll-free) or, in Washington, 554-1404.

SUPPLEMENTARY INFORMATION: The EPA personnel responsible for developing the proposed Preliminary Assessment Information rule published February 29, 1980 (45 FR 13646) will be available to meet with interested persons from companies, trade associations, organized labor and citizen organizations to discuss the proposal until the close of the comment period, May 14th. EPA will provide facilities and make other necessary arrangements for such meetings. The Agency will make transcripts or summaries of the meetings for inclusion in the official public record. While the meetings will be open to the public, participation will be limited to those requesting the

session and EPA personnel designated for the session.

The Agency has decided not to hold general public meetings for this rule. Instead, EPA encourages meetings by request so that it can more directly address specific issues of concern to the public. One purpose of providing this opportunity for oral comment is to facilitate individual companies, especially smaller ones, giving EPA a concrete picture of the costs and process of compliance for them and also the likely yield in reports, data or performance from compliance. EPA has found that this small-session format enables it to learn in-depth of a proposal's impacts across the diverse spectrum of the chemical industry.

If you have specific topics or situations you wish to discuss with EPA, please call the Industry Assistance Office at the numbers listed under "For Further Information Contact." The Agency will make available through the Industry Assistance Office a list of all public meetings concerning this rule. If you wish to attend any of these meetings, please also call the Industry Assistance Office which will have the schedule of sessions as it is made. All meetings will be held in Washington, D.C. only.

Dated: April 22, 1980.

Marilyn C. Bracken,
Deputy Assistant Administrator, Program
Integration and Information, OPTS.

[FR Doc. 80-12895 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

**INTERSTATE COMMERCE
COMMISSION****49 CFR Part 1100****[Ex Parte No. 55 (Sub-No. 41)]****Administrative Stays in Nonrail and
Rail Proceedings****AGENCY:** Interstate Commerce
Commission.**ACTION:** Notice of proposed rules.

SUMMARY: The Commission proposes to amend Rules 97(i) and 98(g) of its Rules of Practice. These rules govern petitions for administrative stays in non-rail and rail proceedings, respectively. This action is being taken to harmonize these rules and to promote administrative efficiency by imposing page limitations on pleadings filed pursuant to these rules.

DATES: Comments should be filed on or before May 28, 1980.

ADDRESSES: And original and 15 copies of any comments should be sent to:

Office of the Secretary, Interstate
Commerce Commission, Washington,
D.C. 20423.

FOR FURTHER INFORMATION CONTACT:
Richard Armstrong (202) 275-7046

SUPPLEMENTARY INFORMATION: The Commission recently revised its rail appellate rules, Rule 98 of the rules of practice (49 CFR 1100.98; see Ex Parte No. 55 (Sub-No. 24A); decision served June 29, 1979; revised rule published at 44 FR 37936). As part of the revision, the Commission amended Rule 98(g) which governs petitions for administrative stays in rail proceedings. The Commission revised Rule 98(g) to allow parties to file replies to a petition for a stay. To accommodate the new procedure of allowing replies, the Commission also imposed new time limits in that rule for filing stay petitions and replies.

We are instituting this proceeding to amend Rule 97(i), which governs petitions for administrative stays in non-rail proceedings. We propose to amend Rule 97(i) to allow parties to file replies to stay petitions in non-rail proceedings as they can now do under Rule 98(g) in rail proceedings. We know of no logical reason for treating rail and non-rail proceedings differently in this respect, and there is no statutory impediment to their being treated alike. Furthermore, we believe that replies to particular stay petitions could benefit the decisionmaker by giving a better-balanced presentation of the facts and by helping to crystallize the issues.

Similarly, we propose to amend Rule 97(i) by adding new time limits for the filing of stay petitions and replies to accommodate the new procedure of allowing replies. These time limits are the same as those adopted for rail proceedings when Rule 98(g) was amended. Wherever practicable, our procedural rules should be the same for both rail and non-rail proceedings.

We propose to amend both Rules 97(i) and 98(g) by including in those rules a limit on the number of pages for stay petitions and replies. The page limitation should minimize any burdens associated with allowing replies and should prevent the parties from attempting to relitigate the merits of the case through the submission of lengthy pleadings. The page limitation is designed to promote administrative efficiency while still allowing the parties a sufficient opportunity to present their cases.

We recently decided not to attempt a complete revision of our non-rail appellate procedures due to the pending motor carrier regulatory reform legislation (see Ex Parte No. 55 (Sub-No.

24); decided February 12, 1980; decision published at 45 FR 10386). This proceeding is consistent with that decision since it is limited just to harmonizing our rules governing administrative stays in non-rail and rail proceedings.

The proposed revised rules are procedural and exempt from the notice and comment requirements of the Administrative Procedure Act. However, this proceeding might benefit from public participation and we invite comments.

We propose to amend 49 CFR §§ 1100.97 and 1100.98 as follows:

§ 1100.97 [Amended]

Revise paragraph (i) to read as follows:

* * * * *

(i) *Petitions for stay.* (1) A party may petition for a stay of an action pending a request for judicial review, for extension of the compliance date, for modification of the effective date, or for similar procedural relief. The reasons for the desired relief shall be stated in the petition, and the petition shall be filed not less than 10 days prior to the effective date of the action. No reply need be filed. If a party elects to file a reply, the reply must reach the Commission no later than 5 days after the petition is filed.

(2) When actions of the Commission are made effective on less than 15 days' notice, petitions for stay shall be filed prior to the institution of court action and as close to the service date as practicable. No reply need be filed. Where time permits, a party may elect to file a reply.

(3) A petition and any reply shall not exceed 10 pages in length.

§ 1100.98 [Amended]

Add a new subparagraph (3) to paragraph (g) to read as follows:

* * * * *

(g) * * *

(3) A petition and any reply shall not exceed 10 pages in length.

* * * * *

This action does not appear to affect significantly the quality of the human environment or conservation of energy resources.

Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: April 10, 1980.

By the Commission, Chairman Gaskins,
Vice-Chairman Gresham, Commissioners
Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12867 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register

Vol. 45, No. 83

Monday, April 28, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Big Racoon Creek Watershed, Indiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT:

James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Big Racoon Creek Watershed project, Boone, Hendricks, Montgomery, Parke and Putnam Counties, Indiana, effective on April 8, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: April 18, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-12773 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-16-M

Indian Creek Watershed, Indiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT:

James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture,

P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal funding for the Indian Creek Watershed project, Brown, Johnson, Monroe and Morgan Counties, Indiana, effective on April 8, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: April 18, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-12824 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-16-M

Lost River Watershed, Indiana

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of deauthorization of Federal funding.

FOR FURTHER INFORMATION CONTACT:

James W. Mitchell, Director, Watersheds Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013 (202-447-3527).

NOTICE: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR 622), the Soil Conservation Service gives notice of the deauthorization of Federal Funding for the Lost River Watershed project, Dubois, Lawrence, Martin, Orange and Washington Counties, Indiana, effective on April 8, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: April 18, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-12825 Filed 4-25-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket 37950; Order 80-4-163]

Air New Mexico, Inc., Petition for Advance Compensation for Losses; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April 1980.

On February 26, 1980, Air New Mexico, Inc. filed notice under section 419(a)(3)(B) of the act announcing its intent to suspend its operations at Alamogordo and Silver City, New Mexico, effective April 1, 1980. By Order 80-3-162, March 27, 1980, we prohibited Air New Mexico's suspension for 30 days, or until a fit, willing, and able carrier is found by us to be capable of inaugurating and maintaining essential air service at these points.

On March 28, 1980, Air New Mexico petitioned for advance compensation for losses pursuant to section 419 of the Act and Part 324 of our Procedural Regulations. On April 3, 1980, Air New Mexico provided additional justification for its request for advance payment, and supplied revised data for its compensation request. The carrier alleges that it has experienced consistently low load factors on its essential service routes, resulting in substantial losses; that its estimated operating loss on these routes for the month of April 1980 is \$88,098; and that it is facing a severe cash flow problem which is largely attributable to the performance of its essential services. Air New Mexico states that it is on a cash basis with all vendors and is in some cases unable to procure fuel; that it has attempted to secure funds from various sources without success; and that it is, therefore, in need of advance compensation if it is to perform its essential services.

We have reviewed Air New Mexico's petition, including its supplementary justification, and information made available on April 14, 1980 through a Board auditor. On the basis of all this information we are persuaded that Air New Mexico, indeed is in a critical cash flow situation, and that advance payment of compensation is warranted. However, we have encountered a number of problems with the carrier's calculation of its compensation requirement. Accordingly, we will rely upon block hour costs derived from

information provided by our auditor, and block hours scheduled for the provision of essential service in April 1980, to set the advance interim rate at \$40,336.¹

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 419, and 1002(b), and the regulations promulgated in 14 CFR 302 and 324;

1. We set the interim level of advance compensation for losses sustained by Air New Mexico, Inc., by virtue of its provision of essential air service at Alamogordo and Silver City, New Mexico, at \$40,336 for each 30-day period beginning April 1, 1980, *provided*, that in the event its scheduled completion factor for any 30-day period is less than 95 percent, its advance payment for the succeeding period will be reduced proportionately;²

2. This proceeding shall remain open pending entry of an order fixing the final rate of compensation, and the amount of such rate of compensation may be the same as, lower than, or higher than the interim rate set here; and

3. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.³
Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-12928 Filed 4-25-80; 8:45 am]
BILLING CODE 6320-01-M

[Docket 38024; Order 80-4-146]

Ceskoslovenske Aerolinie; Transatlantic Fare Increases; Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of April 1980.

By tariff revisions filed for effectiveness April 25, 1980, Ceskoslovenske Aerolinie (CSA) proposes increases in all fares from the United States to Czechoslovakia. The carrier states that the increases are necessary to offset the rapidly escalating cost of fuel.

We have decided to suspend CSA's basic-season normal economy fare (NEF) increase from New York to

Prague. We will permit the carrier's proposed increases in all other fares to take effect.

By order 80-3-50, March 10, 1980, we established Standard Foreign Fare Level (SFFL) ceilings for the period of April 1 through May 31, 1980. Insofar as they pertain to CSA's filing, we found that we would permit maximum increases over levels in effect on or after October 1, 1979, of 14.06 percent in Atlantic markets. We also decided to permit an additional 5 percent upward flexibility in U.S.-Europe markets, allowing maximum increases in these markets of 19.76 percent.¹ These ceilings generally do not apply to first-class and promotional fares. Like domestic fare ceilings, these maxima may also be exceeded on a case-by-case basis upon sufficient justification.

CSA's proposed New York-Prague basic-season NEF level is 24.3 percent above the October 1, 1979, level, and therefore exceeds the SFFL ceiling for Atlantic markets, including the U.S.-Europe 5 percent upward flexibility allowance of 19.76 percent.² There is no showing of special circumstances.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958, as amended:

1. We shall institute an investigation to determine whether the fares and provisions set forth in the Appendix hereof³ and rules and regulations or practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful; and if we find them to be unlawful, to act appropriately to prevent the use of such fares, provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, we suspend and defer the use of the fares named in the Appendix from April 25, 1980, to and including April 24, 1981, unless otherwise ordered by the Board, and shall permit no changes to be made therein during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President⁴ and it shall become effective on April 25, 1980; and

4. We shall file copies of this order in the aforesaid tariff and serve them on Ceskoslovenske Aerolinie and the Ambassador of Czechoslovakia in Washington, D.C.

¹ $1.1406 \times 1.05 = 1.1976$.

² On the other hand, CSA's proposed peak-season NEF level represents an increase of 18.9 percent and is therefore within the "zone of reasonableness"

³ Appendix filed as part of the original document.

⁴ We submitted this order to the President on April 11, 1980.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.⁵
Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-12929 Filed 4-25-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund; Claims

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 (Title IV).

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the Federal Register a notice of claims received under the Title IV program. Any interested person may, within 30 days of publication of this notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

DATES: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before May 29, 1980.

ADDRESS: Send evidence, and any request to be admitted as a party to any hearing, to: Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202-634-4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (Fund) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require the publication in the Federal Register of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iv)). Each Federal Register notice published shall contain the following information: (a) a brief

⁵ All members concurred.

¹ Air New Mexico is currently providing a level of service which more than meets the essential service requirements established in Order 80-2-162. Consistent with Section 419(a)(7)(C) of the Act, the level of compensation we are establishing is that required to cover losses only for the provision of essential services.

² For example, if Air New Mexico's scheduled completion factor for April is 90 percent, the advance payment for the next 30 day period would be \$40,336 times 90%, or \$36,302.40.

³ All members concurred.

statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) a statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) a statement that an interested person or any other person may, within thirty (30) days following publication of this notice in the Federal Register, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted, not later than 30 days after publication of this notice in the Federal Register.

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the Federal Register. Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the Federal Register, forward the proposed settlement agreement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the Federal Register. Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The Following Claims Have Been Received

Claim No.	Nature of loss and location	Amount
FCF-01-79	On 12/17/78, claimant lost 2 sets of 80' nets and associated gear and 5-days fishing time, while trawling for shrimp at the following coordinates: 29°14.6' N., 88°58.2' W.	\$8,000.00 Gear loss. 18,404.00 Econ loss. 3,500.00 Con loss.
		27,904.00 Total.
FCF-03-79	On 2/08/80, claimant lost webbing, straight chain, tickle chain, shafting gear, plastic bag, lazy line, tail rope, stainless steel ring, and 2-hours fishing time, while trawling for shrimp at the following coordinates: 28°32.5' N., 90°33.57' W.	645.10 Gear loss. 645.20 Econ loss.
		1,290.30 Total.
FCF-06-79	On 1/02/79, claimant lost or damaged, 2 nets, a stroudsburg host, the vessel stern, bridges, cable, doors, vapor lights, and 5-day fishing time, while trawling for shrimp at the following coordinates: 28°46.5' N., 91°35.2' W.	1,942.78 Gear loss. 7,500.00 Econ loss.
		9,442.78 Total.
FCF-07-79	On 12/11/78, claimant damaged a shrimp trawl when he caught a heavy iron flange in his nets. The trawl was ripped completely in two parts, and 2-days fishing time was lost. Claimant was trawling at the following coordinates: 29°18.5' N., 92°31.5' W.	500.00 Gear loss. 1,540.00 Econ loss.
		2,040.00 Total.
FCF-09-79	On 1/27/79, claimant lost 2 pairs of 10x44 trawl doors, 2 8' sleds, 3 complete nets, and 2 sets of bridges; damaged one net, and lost 6-days fishing time, while trawling at the following coordinates: 28°20.7' N., 93°31.2' W.	5,151.66 Gear loss. 7,830.00 Econ loss. 25.31 Con loss.
		13,008.97 Total.
FCF-16-79	On 2/30/79, claimant lost a complete 70-ft trawling rig (net, cable, and trawl boards), and 7-days fishing time while trawling for shrimp at the following coordinates: 28°41.1' N., 91°14.9' W.	3,141.51 Gear. 11,270.00 Econ loss. 480.00 Other.
		14,891.51 Total.
FCF-17-79	On 2/25/79, claimant lost the end of a tail net and lead lines and lead lines and nylon easy line on one side and the complete net on the other side, while trawling for shrimp at the following coordinates: 28°14.1' N., 91°45.5' W.	2,896.54 Gear loss.
		2,896.54 Total.
FCF-24-79	On 2/24/79, claimant lost 2-40 ft nets, 8x5 doors, 1-6 ft sled, bridges, tickler chain, and 4-days fishing time while trawling for shrimp at the following coordinates: 28°29.4' N., 91°45.5' W.	1,987.00 Gear loss. 6,496.00 Econ loss.
		8,483.00 Total.
FCF-26-79	On 3/13/79, claimant lost 2-50 ft nets 1-8 ft sled, 1 set bridges, and 2 pair 8x44 doors, and 3-days fishing time, while trawling for shrimp at the following coordinates: 28°14.1' N., 91°45.5' W.	2,589.63 Gear loss. 8,920.00 Econ loss.
		11,509.63 Total.
FCF-29-79	On 3/24/79, claimant damaged an outrigger trynet beam, which was twisted in half, and all cables, nets, doors, sleds and lines were lost on both sides; one man was injured by a steel post that tore loose; and lost 8-days fishing time, while trawling for shrimp at the following coordinates: 28°44.9' N., 92°32.4' W.	12,198.90 Gear loss. 5,700.00 Econ loss.
		17,898.90 Total.
FCF-42-79	On 4/18/79, claimant lost complete shrimp rig, bent an outrigger, and broke a stay wire, while trawling at the following coordinates: 27°53.3' N., 96°57.0' W.	214.88 Gear loss. 2,370.00 Econ loss. 500.00 Other.
		3,084.88 Total.
FCF-44-79	On 4/15/79, claimant lost or damaged 1 pair 10x40 wooden trawl doors, 2-45' schedule 80 outrigger, and 1-20 ton trawl Block, while trawling for shrimp at the following coordinates: 27°31.2' N., 97°13.2' W.	2,031.92 Gear damage. 2,966.30 Gear loss. 7,112.42 Econ loss. 210.00 Other.
		12,320.64 Total.
FCF-52-79	On 5/6/79, claimant lost one complete 48-ft net, one lazy line, and one tickler chain, and 2 hrs fishing time, while trawling at the following coordinates: 29°59.0' N., 92°07.7' W.	1,063.00 Gear loss. 375.00 Econ loss.
		1,438.00 Total.
FCF-58-79	On 6/10/79, claimant lost a complete shrimp rig and 18 hours fishing time, while trawling at the following coordinates: 28°37.5' N., 94°36.7' W.	2,983.22 Gear loss. 7,038.75 Econ loss.
		10,021.97 Total.
FCF-59-79	On 6/29/79, claimant lost 1½" tickle chain, 1¼" straight chain, 1-1" plastic rope, 2" No. 18 webbing, 1½" No. 60 plastic webbing for bag, 3" No. 101 shafting gear, stainless steel hanging cable, 16x52 mesh stainless steel shark gear, 18" ½" braddock nylon rope, 30 stainless steel bag rings, and 3-hours fishing time, while trawling for shrimp at the following coordinates: 28°48.5' N., 90°25.4' W.	913.15 Gear loss. 558.00 Econ loss.
		1,471.15 Total.

Anyone wishing to submit evidence concerning any of these claims, or to become a party to any hearing, must contact, in writing, Mr. Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, on or before May 29, 1980. (Telephone 202-634-4688.)

Dated: April 23, 1980.

Robert K. Crowell,
Deputy Executive Director, NMFS.

[FR Doc. 80-12939 Filed 4-25-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 152 issued to the Montreal Aquarium is hereby modified as follows:

1. The title is changed to read "Permit for Taking and Importing"; and
2. A new condition B-6 is added as follows:

B-6. Animals held under this permit and conditions thereof may be imported into the United States and may be subsequently re-exported subject to the approval of the Assistant Administrator for Fisheries.

The modification is effective immediately.

The permit as modified and documentation pertaining to the modification are available for review in the following offices: Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C., Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, MA 01930; and Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, FL 33702.

Dated: April 22, 1980.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12954 Filed 4-25-80; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Public Display Permit issued to The Montreal Aquarium on June 27 1978, is modified in the following manner:

The number of California sea lions (*Zalophus californianus*) authorized to be taken is reduced from four to those two animals which have already been taken under the Permit.

This modification is effective on the date of publication of the Notice in the Federal Register.

The permit, as modified, and documentation pertaining to the modification, are available for review in the Office of the Assistant

Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C., and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: April 21, 1980.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 80-12953 Filed 4-25-80; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patent & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310.

Patent 4,118,668: R.F. Network Antenna Analyzer Employing Sampling Techniques and Having Remotely Located Sampling Probes. Filed September 12, 1977; patented October 3, 1978. Not available NTIS.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310.

Patent application 6-003,179: Coaxial Terminal Protector Device with Disposable Cartridge. Filed January 15, 1979.

Patent application 6-008,627: Fluidic Valve, Filed February 1, 1979.

Patent application 6-014,503: Temperature-Compensated Laminar Proportional Amplifier. Filed February 23, 1979.

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Patent application 6-019,032: Complex Spatial Modulator. Filed March 9, 1979.

Patent application 6-024,234: Multislotted Bicone Antenna. Filed March 26, 1979.

Patent application 930,968: Fluidic Element with Substantially Zero Null Off-Set. Filed August 4, 1978.

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Patent application 953,292: Null Balancing for Fluidic Sensors and Amplifiers. Filed October 20, 1978.

Patent application 954,264: Method and Apparatus for Examining Structures Using Stimulated Acoustic Emission. Filed October 24, 1978.

Patent application 957,779: Improved Phase Measuring Device. Filed November 6, 1978.

Patent application 963,719: Fluoric Notch Filter Temperature or Density Sensor. Filed November 27, 1978.

Patent application 963,720: Non-Contact Fluoric Temperature Sensing Method and Apparatus. Filed November 27, 1978.

Patent application 966,839: Conformal Spinal Antenna. Filed December 6, 1978.

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Patent application 4,119,038: Controlled Activation of Reserve Power Supplies. Filed May 13, 1977, patented October 10, 1978. Not available NTIS.

Patent 4,139,277: Acousto-Optic Memory Correlator. Filed June 7, 1977, patented February 13, 1979. Not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324.

Patent application 4,166,597: Stowable and Inflatable Vehicle. Filed May 9, 1974; patented September 4, 1979. Not available NTIS.

Patent application 4,166,598: Vehicle Enshrouding Apparatus. Filed May 30, 1974; patented September 4, 1979. Not available NTIS.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Admin. Ser. Div., Federal Building, Science and Education Admin., Hyattsville, MD 20782.

Patent application 6,053,475: Control of Parasitic Mites. Filed June 29, 1979.

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U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, DC 20545.

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U.S. Department of Health, Education and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205.

Patent application 6,050,554: 1,2-Diaminocyclohexane Platinum (II) Complexes having Antineoplastic Activity. Filed June 20, 1979.

Patent 4,183,360: Multifinger Photocell Plethysmography System. Filed July 28, 1978, patented January 15, 1980. Not available NTIS.

Patent 4,184,258: Powder Blower Device. Filed January 30, 1978, patented January 22, 1980. Not available NTIS.

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Patent application 6,067,648: Method of Extending the Fatigue Life of Wire Rope. Filed August 17, 1979.

Patent application 6,068,998: Dual Ground Plane Stripline Fed Microstrip Antennas. Filed August 23, 1979.

Patent application 6,069,654: Apparatus and Method for Submicron Pattern Generation. Filed August 27, 1979.

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Patent application 6,081,737: Laser Speckle Eliminator. Filed October 4, 1979.

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National Aeronautics and Space Administration, Assist. Gen. Couns. for Patent Matters, NASA Code GP-2, Washington, DC 20546.

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Patent application 6,086,508: Wide Angle Optical Systems. Filed October 19, 1979.

Patent application 6,088,663: Use of Glow Discharge in Fluidized Beds. Filed October 28, 1979.

Patent application 6,089,779: Corrosion Resistant Thermal Barrier Coating. October 31, 1979.

[FR Doc. 80-12891 Filed 4-25-80; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patent & Trademarks, Washington, DC 20231, for \$.50 each. Request for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 943,071: Expendable Line of Sight Transceiver. Filed September 18, 1978.

Patent 4,118,861: Removable Encapsulant for Protection of Electronic Equipment; filed February 6, 1978; patented October 10, 1978; not available NTIS.

Patent 4,126,901: Photovoltaic-Ferroelectric Correlation Devices; filed April 5, 1978; patented Nov. 21, 1978; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent 4,166,598: Vehicle Enshrouding Apparatus; filed May 30, 1974; patented Sep. 4, 1979; not available NTIS.

Patent 4,169,993: Intercept Receiver for Double-Side-Band, Noise-Like Signals; filed Jan. 4, 1967; patented Oct. 2, 1979; not available NTIS.

Patent 4,169,995: Pulse Repetition Frequency Tracker; filed Jan. 21, 1970; patented Oct. 2, 1979; not available NTIS.

Patent 4,170,007: Adding Frequency Agility to Fire-Control Radars; filed Jan. 20, 1978; patented Oct. 2, 1979; not available NTIS.

Patent 4,170,008: Clutter Discriminating Fuze Apparatus; Filed Feb. 28, 1975; Patented Oct. 2, 1979, not available NTIS.

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Patent 4,170,875: Caseless Rocket Design; filed June 10, 1976; patented Oct. 16, 1979; not available NTIS.

Patent 4,170,923: Launch Lug Retractor Assembly; filed April 17, 1978; patented Oct. 16, 1979; not available NTIS.

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Patent 4,172,315: Method of Manufacturing a Magnetic Field Sensitivity Indicator Apparatus for Evaluating Magnetic Fields in Parts During Magnetic Particle Inspection; filed Mar. 13, 1978; patented Oct. 30, 1979; not available NTIS.

Patent 4,172,571: Three Actuator Steering System; filed Jan. 25, 1978; patented Oct. 30, 1979; not available NTIS.

Patent 4,172,649: Magazine for Glass Photographic Plates; filed July 7, 1978; patented Oct. 30, 1979; not available NTIS.

Patent 4,173,122: Intermittent Burning Jet Engine; filed Feb. 9, 1978; patented Nov. 6, 1979; not available NTIS.

Patent 4,173,322: Flutter Prevention Means for Aircraft Primary Flight Control Surfaces; filed Apr. 27, 1978; patented Nov. 6, 1979; not available NTIS.

Patent 4,175,469: Centrifugal Aerosol Dispenser Assembly; filed Mar. 1, 1978; patented Nov. 27, 1979; not available NTIS.

Patent 4,175,812: Electrically Conductive Bonding Strap for Connecting Movable Parts; filed Mar. 30, 1978; patented Nov. 27, 1979; not available NTIS.

U.S. Department of Agriculture, Program Agreements & Patent Branch Adm. Ser. Div. Federal Building, Science & Education Admin., Hyattsville, MD 20782

Patent application 6, 076, 706: Rope Wick Applicator; filed Sep. 18, 1979.

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Patent application 6-083,697: Process for Producing Transfer Printed Cotton and Cotton Blends; filed Oct. 1979.

Patent 4,174,329: Alkyd Resins Modified with Tetrafluoroethylene Adduct of conjugated Triglycerides. Filed June 26, 1978; patented Nov. 13, 1979; not available NTIS.

U.S. Department of Energy, Assist. Gen. Couns. for Patents, Washington, DC 20545

Patent application 928,026: Process for Recovering Actinide Values; filed July 25, 1978.

U.S. Department of Health, Education and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205.

Patent application 6, 054,926: A Cobalt-Catalyzed One-Step Synthesis of Anulated Pyridines and Novel Products; filed July 5, 1979.

Patent application 6, 063,829: Gear Drive for Seal-Less Counter Current Chromatography; filed Oct. 11, 1979.

U.S. Department of the Interior, Branch of Patents, 18th and C Streets N.W., Washington, DC 20240

Patent 4 167 459: Electroplating with Ni-Cu Alloy; filed Jan. 8, 1980; patented Sep. 11, 1979; not available NTIS.

Patent 4 170 037: Lock-Out Logic Circuit for Inverter Protection; filed Aug. 4, 1978; patented Oct. 2, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6-034 883: Vehicle Launching Device; filed Apr. 30, 1979.

Patent application 6-034 888: Dynamic Seal for Slotted Cylinder; filed Apr. 30, 1979.

Patent application 6-043 927: Core-Flow Rotary Jet; filed May 20, 1979.

Patent application 6-046 066: Limb Retention System; filed Jun. 6, 1979.

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Patent application 6-060 536: Launch Tube Closure; filed Jul. 25, 1979.

Patent application 6-067 089: Electro-Optical Projectile Analyzer; filed Aug. 16, 1979.

Patent application 6-068 355: Module to Prevent Sympathetic Detonations in Munitions; filed Aug. 21, 1979.

Patent application 6-068 789: Safety Selector Switch; filed Aug. 22, 1979.

Patent application 6-075 630: Multi-Arrayed Micro-Patch Emitter with Integral Control Grid; filed Sep. 14, 1979.

Patent application 6-078 268: Optically Tunable Resonant Structure; filed Sep. 9, 1979.

Patent application 6-081 310: A Constant Amplitude Variable Frequency Synchronized Linear Ramp Generator; filed Oct. 3, 1979.

Patent application 6-084 487: Rocket Motor Igniter, Arming Firing Device; filed Oct. 15, 1979.

Patent application 6-088 967: Discrete Fourier Transform System using the Dual Chirp-Z Transform; filed Oct. 22, 1979.

Patent application 6-086 978: Deep Fat Fryer Fire Fighting Simulator; filed Oct. 22, 1979.

Patent 4 134 155: Swimmer Protective Helmet; filed Sep. 22, 1975, patented Jan. 16, 1979. Not available NTIS.

Patent 4 143 440: Pin Connection System for Elevated Causeway; filed Mar. 30, 1978, patented Mar. 13, 1979. Not available NTIS.

Patent 4 151 530: End Fed Twin Electric Microstrip Dipole Antennas; filed Oct. 31, 1977, patented Apr. 24, 1979. Not available NTIS.

Patent 4 151 531: Asymmetrically Fed Twin Electric Microstrip Dipole Antennas; filed Oct. 31, 1977; patented Apr. 24, 1979; not available NTIS.

Patent 4 151 532: Diagonally Fed Twin Electric Microstrip Dipole Antennas; filed Oct. 31, 1977; patented Apr. 24, 1979; not available NTIS.

Patent 4 158 842: Immittance Measurement with High frequency Injection and Electromagnetic Coupling; filed Mar. 2, 1978; patented May 29, 1979; not available NTIS.

Patent 4 158 334: Safe/Arm Firing Device; filed May 2, 1978; patented Jun. 19, 1979; not available NTIS.

Patent 4 161 114: Method and Apparatus for Measuring Adhesion of Particulate Materials; filed Apr. 17, 1978; patented Jul. 17, 1979; not available NTIS.

Patent 4 161 739: Microwave InP/SiO₂ Insulated Gate Field Effect Transistor; filed Oct. 27, 1977; patented Jul. 17, 1979; not available NTIS.

Patent 4 163 234: Radar Signal Simulator; filed Feb. 7, 1978; patented Jul. 31, 1979; not available NTIS.

Patent 4 163 236: Reactively Loaded Corner Fed Electric Microstrip Dipole Antennas; filed Jul. 3, 1978; patented Jul. 31, 1979; not available NTIS.

Patent 4 164 753: Dual Pyroelectric Vidicon Infrared Camera; filed Jul. 6, 1978; patented Aug. 14, 1979; not available NTIS.

Patent 4 168 049: Rigid Mount for an Internally Pressurized Tube; filed Mar. 30, 1978; patented Sep. 18, 1979; not available NTIS.

Patent 4 168 479: Millimeter Wave MIC Diplexer; filed Oct. 25, 1977; patented Sep. 18, 1979; not available NTIS.

Patent 4 170 144: Material Scanning Apparatus; filed Oct. 27, 1977; patented Oct. 9, 1979; not available NTIS.

Patent 4 170 424: Parachute Attachment Swivel; filed Jan. 26, 1976; patented Oct. 9, 1979; not available NTIS.

Patent 4 172 048: Mixture Suitable for an Aerostat; filed Oct. 2, 1978; patented Oct. 23, 1979; not available NTIS.

[FR Doc. 80-12862 Filed 4-25-80; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

Response to Executive Order 12044 on Improving Government Regulations

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of final response to executive order.

SUMMARY: In March 1978 the President issued Executive Order 12044 on improving government regulations. The CPSC sought public comments in July 1978 on its proposed response to that executive order. As a final response, the CPSC describes in this notice its activities toward compliance with the executive order.

FOR FURTHER INFORMATION CONTACT: Alan Shakin, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. (202) 634-7770.

SUPPLEMENTARY INFORMATION:**Background**

On March 23, 1978 President Carter issued Executive Order 12044 entitled "Improving Government Regulations." This order directed executive agencies to adopt procedures to improve existing and future regulations. As an independent regulatory agency, CPSC was excluded from application of the executive order. However, the President requested that independent agencies initiate voluntary efforts to achieve the regulatory improvements.

On July 26, 1978 the Commission published in the Federal Register a proposed response to the order, including a request for comments on its efforts toward regulatory improvement (43 FR 32392). The proposed response, following the guidelines of the order, covered publication of regulatory agendas; agency head oversight; opportunity for public participation; agency head approval of significant regulations; regulatory analysis; and regulatory review.

The Commission received four comments on its proposed response:

(1) Nancy L. Buc, then an attorney with Weil, Gotshal and Manges, urged the Commission to adopt a policy of providing 60 days for public comment on its regulatory proposals.

(2) Stewart B. Oneglia, the Director of the Justice Department's Task Force on Sex Discrimination, proposed (a) that all new significant regulations be reviewed to eliminate elements of sex discrimination; (b) that no proposed regulation be considered non-signification (within the meaning of the executive order) if it would result in a disparate impact based on sex; and (3) that existing regulations which discriminate on the basis of sex be given priority attention for review.

(3) Lawrence H. Hodges, the Technical Affairs Vice President for JI Case Company, suggested that a Commission-established task force of "users" of regulation (those affected by them) and CPSC staff review regulations to make them understandable.

(4) The American Petroleum Institute (API) suggested that CPSC develop a "formal program" incorporating the applicable provisions of the order, since the July 1978 report fails to " * * * fulfill the President's request that independent regulatory Commissions prepare a program to implement the Executive Order." API suggested a number of detailed procedures for implementing the order, including recommendations for preparation of an informal assessment document prior to the beginning of any regulatory project,

development of criteria for determining "significant" regulations, publication of a semi-annual regulatory agenda; publication of advance notices of proposed rulemaking, development of criteria and procedures for preparation of regulatory analyses (including "cost-effectiveness" analyses), and procedures for review of regulations. In addition to these recommendations, API questioned the legality of the Commission's program for financial compensation of participants in informal rulemaking proceedings, and argued that any such funding program "must await explicit Congressional action."

Discussion

The following discussion is the Commission's final response to Executive Order 12044. It updates and modifies the July 1978 proposed response, and addresses the issues raised in the public comments. The discussion is organized according to the subject areas contained in the executive order.

I. Reform of the Process for Developing Significant Regulations

Section 2 of the executive order focuses on the procedures that agencies use to develop, revise, and review their regulations. This section specifies the following actions:

A. Publication of Semiannual Agenda of Significant Regulations

In an effort to better inform the public about regulatory activities, the order specifies the publication of a semi-annual agenda of significant regulations (section 2(a)). The agenda would include, as a minimum, a description of the regulations under consideration, their legal and substantive basis, their status, and an agency contact person who can knowledgeably discuss them.

As pointed out in the July 1978 proposed regulation, the CPSC has long made virtually all of this information available to the public in forms other than a semi-annual published agenda. The Commission has identified "major" regulations and published them in the Regulatory Council's Calendar of Federal Regulations. The Council cited the CPSC's contribution to the Calendar as one of the three best, among all of the participating agencies. Since its early days, the CPSC has also selected and published in the Federal Register an annual list of "priority" regulatory projects. The Commission's operating plan similarly sets forth all the regulations to which resources will be devoted in the upcoming fiscal year. It is revised quarterly and is publicly available. These activities address not

only the semi-annual agenda's purpose of informing the public, but also the purpose of singling out the major regulatory projects.

To comply more directly with the spirit of the order, the Commission has decided to publish a semi-annual agenda containing a list of regulations under development or review and the name and telephone number of a knowledgeable agency official. In addition, the agenda will include target dates (subject to revision) for completion of significant steps in the development of these regulations. Rather than determining what regulatory activities are "significant" ones (see section I(E) below), the agenda will list all of the Commission's regulatory activities. (The Commission may not issue a publication schedule for the agenda every October, as described in the executive order.)

B. Agency Head Oversight

The executive order specifies that agency heads review, before a significant new regulation is developed, the issues, alternatives, plans for public comment, and schedules for the regulation (section 2(b)). The Commission, functioning by majority vote of the members of a collegial body, has always exercised effective oversight over CPSC regulatory activities. Through quarterly review and approval of the operating plan, the Commission directly selects the regulatory projects and determines resource levels for the projects. In approving the regulatory priority list, the Commission determines which regulatory projects in the operating plan will receive priority attention by the staff. In making statutorily-required decisions on petitions, the Commission exercises direct approval authority over the initiation of projects not contained in the operating plan.

C. Public Participation

The order requires agencies to give the public an early and meaningful opportunity to participate in the development of their rulemaking (section 2(c)). In the area of public participation, the Commission has been a leader among agencies in openness and in giving affected parties and the general public the opportunity to participate in regulatory activities.

Our program for financial compensation of participants in informal rulemaking proceedings (16 CFR Part 1050) goes well beyond what is required by the order. In addition, the Commission has on a number of occasions acted to assure early and meaningful participation by publishing

advance notices of proposed rulemaking, by holding open conferences and public hearings, and by sending notices of proposed regulations to organizations and individuals interested in or affected by the regulations. Some examples of these measures, categorized according to the areas specified in the executive order, are:

(1) *Advance notices of proposed rulemaking.* In a September 1978 Federal Register notice, the Commission publicized its intention to propose an amendment to the cellulose insulation standard. The Commission was required by statute to propose the amendment. Since the statute provided a short period of time for considering comments and deciding whether to issue the proposed amendment in final form, the Commission decided to request comments from the public in advance of a formal proposal. In the same notice, the Commission requested advance comments on a related proposed certification rule. The Commission carefully considered the comments received in response to the notice of intent and addressed the comments when it formally proposed the amendment and certification rule.

In October 1979 the Commission published an advance notice of proposed rulemaking for consumer products containing asbestos and described its proposed regulatory approach for these products. The purpose of the notice is to obtain public comments on its approach at the earliest possible stage, and in advance of addressing a specific product or category of products. The Commission will consider all comments it receives during the development of any proposed regulation or other remedial action for asbestos-containing consumer products.

(2) *Open conferences/public hearings.* The Commission has held a number of public meetings and hearings, in addition to those required by statute, in order to give interested persons an opportunity to express their views on matters under consideration by the Commission. During two days in March 1978, the Commission held public meetings in Miami and Dallas for the purpose of receiving data, views and arguments on a proposal to ban unvented gas-fired space heaters. These meetings were held in response to the great interest expressed by many residents of southern states concerning the proposed ban. The meetings in Miami and Dallas supplemented a public meeting held in Washington where the Commission had the opportunity to hear from many

representatives of propane gas distributors and other industry representatives.

In December 1978, the Commission held a public meeting to hear the views of representatives of the upholstered furniture industry and other interested persons concerning the Commission staff's recommended proposed safety standard for upholstered furniture flammability. The Commission was not legally required to provide an opportunity for oral presentations prior to publication of a proposed standard. Nonetheless, the Commission believed it would be beneficial to hold a public meeting for the purpose of hearing the views of industry members and other interested parties, including consumer and small-business representatives, before deciding whether to publish the standard as a proposal.

There are other examples, as well. The Commission has held hearings on its "section 15" regulations which concern the reporting requirements for firms that have made or distributed hazardous products. In addition, the Commission recently held four investigational hearings—in Atlanta, Minneapolis, Hartford, Connecticut and Portland, Oregon—on the alleged health and safety problems associated with urea formaldehyde foam insulation and other formaldehyde products.

(3) *Direct notification to interested parties and publications of proposed rules.* The Commission routinely issues press releases on recently-proposed rules and lists them in the weekly public calendar that it mails to over 5,000 people. In addition, the Commission has acted specifically on several occasions to assure that interested parties are notified of Commission actions.

In September 1979, as one example, the Commission began a rulemaking proceeding for omnidirectional Citizens Band base station antennas, to reduce the risk of electrical injury to consumers who are putting up or taking down an antenna that contacts electrical power lines. In addition to publishing a notice of this proceeding in the Federal Register, as required by statute, the Commission mailed copies of the notice to an organization of "CB" users for dissemination to its members through its publications and other means.

As another example, the Commission mailed copies of the Advance Notice of Proposed Rulemaking on Consumer Products Containing Asbestos, described above, to over 100 individuals, firms, and organizations who had previously expressed interest in Commission activities concerning the regulation of carcinogens.

(4) *60-day comment periods.* As indicated in *Background* above, Ms. Buc has urged the Commission to adopt a policy of comment periods no shorter than 60 days except in rare instances, the Commission has for some time been providing a 60 day comment period for all substantive regulations and for any other rulemaking proceeding that could have a substantial impact on those affected by it. This practice will continue. In addition, the Commission often provides a public comment period on procedural regulations and rules of practice which ordinarily are not subject to notice and comment procedures.

D. Approval of Significant Regulations

The executive order requires agency heads to approve significant regulations before publication in the Federal Register after determining that eight factors are present (section 2(d)). These factors include the need for the regulation; consideration of the effects of the regulation; alternative approaches; consideration of the public comments; the ease of the public in understanding regulations (plain English); compliance burdens for industry; the inclusion of a knowledgeable staff person's name and address; and an evaluation plan.

With the exception of a plan for evaluating the regulation, the listed factors are an inherent part of the process by which the Commissioners approve all CPSC final regulations, prior to publication. Since the order was issued, the Commission has made a special effort to assure that its regulations are written in plain English. Attorneys who are principally responsible for drafting the Commission's regulations have attended a workshop on effective writing. The Office of the Federal Register designed and conducted this workshop specifically for the Commission. In addition, a senior staff member of the Commission's Office of the General Counsel attended a workshop on simplifying documents, conducted by the Document Design Project of the American Institutes for Research. While these improvements do not adopt the JI Case Company's suggestion of a task force of "users" (see *Background* section above), the Commission believes that its regulations have already become easier to understand.

The Commission staff is considering another new procedure since the order was issued. The Office of Budget, Program Planning and Evaluation (OBPPE) has developed a draft concept for incorporating an evaluation plan into all major Commission regulations. In consultation with other staff, OBPPE

will design an evaluation plan to be approved by the Commission when a regulation is issued. This plan would indicate to industry, consumers, and Congress exactly how CPSC will assess whether the regulation is accomplishing what was intended.

E. Criteria for Determining Significant Regulations

The order directs agencies to establish criteria for identifying which regulations are "significant" (section 2(e)). This determination is needed because most requirements in the order—including those for agency head oversight, agency head approval of regulations, and a semi-annual agenda of regulations—are applicable only to significant rules. The order delegates to the agencies the responsibility for establishing criteria for identifying significant regulations, but requires the agencies to consider some specified criteria.

It is not necessary for the CPSC to develop any criteria on significance because our procedures are the same for virtually all regulatory activities. All but the most ministerial regulations are formally reviewed by all of the Commissioners at the proposal and final stages.

II. Regulatory Analysis

Section 3 of the order requires that agencies prepare a regulatory analysis for certain significant regulations that have "major economic consequences for the general economy, for individual industries, geographical regions or levels of government."

As pointed out in the July 1978 proposed response, the Commission is required by section 9(c) of the Consumer Product Safety Act to make findings about the expected impacts of its consumer product safety rules. Among other factors, the findings concern " * * * the need of the public for the consumer products subject to such rule, and the probable effect of such rule upon the utility, cost, or availability of such products to meet such need; and * * * any means of achieving the objective of the order while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety" (15 U.S.C. 2058(c)). As a matter of policy, the CPSC generally considers the same factors before issuing regulations under any of the other acts we administer.

As is the case with the development process (section I above), "non-significant" regulations are rarely subjected to analyses that are any less stringent than those applied to the most

important CPSC regulations. The costs and risk reductions of all regulatory activities are considered preliminarily when the Commission sets its project and program priorities (see Commission Policy on Establishing Priorities for Commission Action; 16 CFR 1009.8).

III. Review of Existing Regulations

Section 4 of the order requires a review of selected existing regulations, in accordance with procedures similar to those used for developing new regulations. As discussed in the July 1978 proposed response, the Commission already performs a midyear review and a review to comply with requirements for an annual report to the President and Congress (15 U.S.C. 2076(j)).

In addition, recent amendments to the Consumer Product Safety Act requires an extensive review of existing rules (15 U.S.C. 2076(m)). This review, now underway, will be the subject of a report to the Congress in May 1980. It involves an evaluation of the effectiveness and usefulness of existing regulations, and will include economic, paperwork, and judicial impact analyses.

This statutory rule review complies in substance, if not procedurally, with the review of existing regulations mandated by section 4 of the order. In fact, the criteria developed by the Commission staff for selection of the rules to be most comprehensively reviewed, are more detailed than the minimum criteria contained in the order. The CPSC criteria are:

- (1) Is the regulation reducing an unreasonable risk of injury?
- (2) Is there reason to believe that the regulation imposes an excessive economic impact upon industry and the public?
- (3) How long has it been since the regulation was issued, amended, or reviewed? Have conditions changed enough to warrant review?
- (4) Have there been significant enforcement or technical problems?
- (5) Has there been significant litigation. Have the courts modified the regulations or expressed opinions?
- (6) Have the Commission's resources been taxed by the regulation? Are resources being applied efficiently? Large or small amounts of activity could be considerations for review.
- (7) Have we received petitions for revision, deletion, or exemption? Has the Commission reached a decision on any of the petitions?
- (8) What is the industry's compliance record? What is the potential for satisfactory voluntary compliance?

Conclusion

The Commission's present procedures and policy on development of regulations substantially comply with the requirements of Executive Order 12044 for reform of the process for developing significant regulations. The Commission: (a) Exercises effective oversight over the initiation of regulatory activities and approves all regulations prior to issuance; (b) has taken steps to encourage and facilitate public participation in its activities to an extent which exceeds the requirements of the order; (c) has made significant progress in improving the readability and clarity of its regulations, consistent with the "plain English" directive in the order; and (d) has now begun publication of its semi-annual agenda of regulations. In addition, the Commission's compliance with its statutory responsibilities effectively satisfies the spirit and intent of the portions of the order addressed to regulatory analysis and review of existing regulations.

In the *Discussion* section above, the Commission has responded to two of the four public comments received on its July 1978 proposed response to the order. In response to the American Petroleum Institute's comment that the Commission should adopt a formal program,* we believe that the Commission's existing program to improve its regulations fully achieves the goals of Executive Order 12044. There is no legal or practical reason for the Commission to formalize its response to the order beyond what is contained in this document. In response to the comment from the Justice Department, the Commission already reviews its regulations to assure that they do not discriminate on the basis of sex.

Dated: April 22, 1980.

Sadye E. Dunn,
Secretary, Consumer Product Safety
Commission.

[FR Doc. 80-12873 Filed 4-25-80; 8:45 am]
BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory
Administration.

*The Institute also questioned the legality of the Commission's public participation funding program. When the Commission issued its interim regulations for this program, it responded fully to the assertion made by numerous commenters that the program lacks legal authority (43 FR 23560-61, May 31, 1978).

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed below during the month of February, 1980. The Consent Orders represent resolutions of outstanding compliance investigations or proceedings by the DOE and the firms which involve a sum of less than \$500,000 in the aggregate, excluding penalties and interest. For Consent

Orders involving sums of \$500,000 or more, Notice will be separately published in the Federal Register. These Consent Orders are concerned exclusively with payment of the refunded amounts to injured parties for alleged overcharges made by the specified companies during the time periods indicated below through direct refunds or rollbacks of prices.

For further information regarding these Consent Orders, please contact Lon Smith, District Manager of Enforcement, 333 Market Street, Sixth Floor, San Francisco, California 94105, telephone number: (415) 764-7038.

the requested temporary public interest exemptions.

Based on the information provided by the petitioners, the listed powerplants are either prohibited by Section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of Section 301(a) (2) and (3) of FUA, to displace consumption of low sulfur residual fuel oil.

Statement of Reasons

Because petroleum products are in short supply, there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioners have demonstrated that these powerplants, for which they are requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by Section 301(a)(2) of FUA, or prohibited from using natural gas in excess of the average base year proportion allowed in Section 301(a)(3) of FUA. The petitioners have also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by Section 301(a) (2) or (3) of FUA, will displace consumption of low sulfur residual fuel oil, and will not displace the use of coal or any other alternate fuel in any facility of the petitioners' utility systems, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioners have met the eligibility criteria set out in Section 508.2 of the Special Rule. Since the increased use of natural gas is in keeping with the

Firm name and address	Refund amount	Product	Period covered	Recipients of refund
Keen Inc., 6106 Paramount Blvd., Long Beach, CA 90805.	\$21,958.44 2,475.49	Diesel Diesel	11/73-4/74 11/73-4/74	Resellers. End-users.
	24,433.93			

Issued in San Francisco, California on the 10th day of April 1980.

Lon W. Smith,
District Manager of Enforcement, Western District.

[FR Doc. 80-12908 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-01-M

Decision and Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Decision and Order granting temporary public interest exemptions from the

prohibitions of Section 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* This Decision and Order is issued pursuant to Section 311(e) of FUA, 10 CFP 501.68 and 10 CFR 508 to the petitioners who own or operate the powerplants listed in the table below.

Docket No.	Petitioner	Generating station (location)	Powerplant Identification No.
52375-9098-06-41	Power Authority of the State of New York.	Astoria (Astoria, New York)	6
51691-0404-01-41	L. A. Department of Water and Power.	Scattergood (Playa Del Rey, California)	1
51691-0404-02-41			2
51691-0400-01-41		Haynes (Long Beach, California)	1
51691-0400-02-41			2
51691-0400-03-41			3
51691-0400-04-41			4
51691-0400-05-41			5
51691-0400-06-41			6
50412-1595-01-41	Cambridge Electric Light Company.	Kendall Square (Cambridge, Massachusetts).	1
50412-1595-02-41			2
50412-1595-03-41			3
50412-1594-01-41		Blackstone Street (Cambridge, Massachusetts).	5
50412-1594-03-41			6
50412-1594-04-41			11

The petitioners filed for these temporary public interest exemptions pursuant to 10 CFR 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notice of the

petitions and a proposed order granting these temporary exemptions was published in the August 28, 1979, Federal Register (44 FR 50395) with a request for public comments relating to the petitions and the proposed order. Upon review of the public comments and the purposes of FUA, ERA has determined to grant

purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria, ERA is granting these temporary exemptions.

Duration of Temporary Exemptions

ERA grants these temporary public interest exemptions for an initial period from the effective date of this Decision and Order until June 30, 1982. These exemptions will be automatically extended for an additional three year period upon the written acceptance by ERA of a conservation plan pursuant to the third term and condition set forth below in this Decision and Order. However, a temporary public interest exemption, including all extensions, may not exceed the maximum 5 year period authorized by the Act. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Decision and Order

This Decision and Order shall become effective on the sixtieth calendar day following its publication in the Federal Register in accordance with Section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing this Special Rule (44 FR 21230) ERA will take no action with respect to any natural gas used by the exempted powerplants between May 8, 1979, the effective date of FUA, and the date this Decision and Order becomes effective.

Terms and Conditions

Pursuant to Section 314 of FUA and 10 CFR 508.6, the temporary exemptions granted under this Decision and Order are conditioned upon, and shall remain in effect so long as each petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period from May 8, 1979, through December 31, 1979, and for each subsequent six-month period thereafter the actual monthly volumes of natural gas consumed in the exempted powerplants, and an estimate of the number of barrels of each type of fuel oil displaced.

(2) Petitioner will submit to ERA, within one year after the date this Decision and Order is issued, a system-wide fuel conservation plan to include the period covered by these temporary exemptions, including the means by which the petitioner will measure progress in implementing this plan.

(3) If the petitioner seeks to have the exemptions automatically extended, the fuel conservation plan must cover both

the initial period covered by these temporary exemptions and the additional three year period, including the means by which the petitioner will measure progress in implementing this plan.

(4) Petitioner will submit annually to ERA, commencing with the calendar year ending December 31, 1980, a report on progress achieved in implementing the pertinent fuel conservation plan.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on April 16, 1980.

Robert L. Davies,
Assistant Administrator, Office of Fuels
Conversion, Economic Regulatory
Administration.

[FR Doc. 80-12909 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 80-CERT-014]

Public Service Electric and Gas Company; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on March 13, 1980, as amended March 26, 1980, Public Service Electric and Gas Company (Public Service), 80 Park Place, Newark, New Jersey 07101, filed an application for certification of an eligible use of natural gas to displace fuel oil at eight of its electric generating stations located in New Jersey: Bergen in Ridgefield; Essex in Newark; Hudson in Jersey City; Kearny in Kearny; Linden in Linden; Sewaren in Sewaren; Edison in Edison; and Mercer in Trenton, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file with the Economic Regulatory Administration (ERA) and available for public inspection at the ERA, Docket Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m.-4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Public Service states that the volume of natural gas for which it requests certification is approximately 5 billion cubic feet. This volume is estimated to displace the use of approximately 752,000 barrels of No. 6 fuel oil (0.3 percent sulfur) and approximately 20,000 barrels of No. 2

fuel oil (0.2 percent sulfur) or kerosene (0.1 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of the various generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated Volume (MMCF)	Estimated oil displacement (000 bbl)	
		0.3% sulfur No. 6 oil	0.2% sulfur No. 2 oil, 0.1% sulfur or kerosene
1. Bergen Generating Station, Ridgefield, N.J.	2,220	344	.....
2. Essex Generating Station, Newark, N.J.	62	.....	10
3. Hudson Generating Station, Jersey City, N.J.	1,930	296	.....
4. Kearny Generating Station, Kearny, N.J. ....	.....	.....	.....
5. Linden Generating Station, Linden, N.J. ....	.....	.....	.....
6. Sewaren Generating Station, Sewaren, N.J.	726	112	.....
7. Edison Generating Station, Edison, N.J.	62	.....	10
8. Mercer Generating Station, Trenton, N.J. ....	.....	.....	.....
Total	5,000	752	20

The eligible seller is the Cabot Corporation, 1400 Charleston National Plaza, P.O. Box 1473, Charleston, West Virginia 25325. The gas would be transported by the Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001; the Consolidated Gas Supply Corporation, 445 West Main Street, Clarksburg, West Virginia 26301; the Transcontinental Gas Pipeline Corporation, P.O. Box 1398, Houston, Texas 77001; and the Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, within 10 (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such

an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Public Service and any persons filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on April 18th, 1980.

Paul T. Burke,

Deputy Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 80-12910 Filed 4-25-80; 8:45 am]

BILLING CODE 6580-01-M

Crystal Oil Co., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provide an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: December 13, 1979.

COMMENTS BY: May 27, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On December 13, 1979 the Office of Enforcement of the ERA executed a Consent Order with Crystal Oil Company of Shreveport, Louisiana. Under 10 CFR 205.199(b), the Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Crystal Oil Company, with its office located in Shreveport, Louisiana, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation

Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Crystal Oil Company, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through December 31, 1977, and it included all sales of crude oil which were made during that period.

2. Crystal Oil Company allegedly misapplied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Crystal have agreed to a settlement in the amount of \$203,596.20. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Crystal Oil Company.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Crystal Oil Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$203,596.20 upon execution of the Consent Order by both parties. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result

of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745. You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Crystal Oil Company Consent Order." We will consider all comments we received by 4:30 p.m., local time, on May 27, 1980. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Dallas, Texas on the 17th day of April, 1980.

Herbert F. Buchanan,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 80-12857 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-01-M

Horner and Smith a Partnership; Action Taken on Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.
ACTION: Notice of action taken and
opportunity for comment on consent
order.

SUMMARY: The Economic Regulatory
Administration (ERA) of the Department
of Energy (DOE) announces action taken
to execute a Consent Order and
provides an opportunity for public
comment on the Consent Order and on
potential claims against the refunds
deposited in an escrow account
established pursuant to the Consent
Order.

DATES: Effective Date: March 31, 1980
Comments by: May 27, 1980.

ADDRESS: Send comments to: Wayne I.
Tucker, District Manager of
Enforcement, Southwest District Office,
Department of Energy, P.O. Box 35228,
Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT:
Wayne I. Tucker, District Manager of
Enforcement, Southwest District Office,
Department of Energy, P.O. Box 35228,
Dallas, Texas 75235 (phone) 214/767-
7745.

SUPPLEMENTARY INFORMATION: On
March 31, 1980, the Office of
Enforcement of the ERA executed a
Consent Order with Horner and Smith
of Houston, Texas. Under 10 CFR
205.199(j)(b), a Consent Order which
involves a sum of less than \$500,000 in
the aggregate, excluding penalties and
interest, becomes effective upon its
execution.

Because the DOE and Horner and
Smith wish to expeditiously resolve this
matter as agreed and to avoid delay in
the payment of refunds, the DOE has
determined that it is in the public
interest to make the Consent Order with
Horner and Smith effective as of the
date of its execution by the DOE and
Horner and Smith.

I. The Consent Order

Horner and Smith, during the audit
period, was an independent natural gas
processor and therefore was subject to
the Mandatory Petroleum Price and
Allocation Regulations at 10 CFR, Parts
210, 211, 212. To resolve certain civil

actions which could be brought by the
Office of Enforcement of the Economic
Regulatory Administration as a result of
its audit of Horner and Smith, the Office
of Enforcement, ERA, and Horner and
Smith entered into a Consent Order, the
significant terms of which are as
follows:

1. The period covered by the Consent
Order was September 1, 1973 through
December 1, 1976, and it included all
sales of natural gas liquid products
made by Horner and Smith.

2. The Consent Order does not
constitute an admission by Horner and
Smith that ERA regulations have been
violated.

3. The Consent Order is a settlement
of the alleged overcharges which were
the subject of the Notice of Probable
Violation issued to Horner and Smith on
November 26, 1979.

4. Horner and Smith agrees to refund
to the DOE \$175,000 to be paid in equal
installments in the sum of \$43,750 at 90
day intervals, the first to be made 90
days from the effective date of the
Consent Order.

5. The provisions of 10 CFR 205.199j,
including the publication of this notice,
are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Horner and
Smith agrees to refund, in full settlement
of any civil liability with respect to
actions which might be brought by the
Office of Enforcement, ERA, arising out
of the transactions specified in I. 1.
above, the sum of \$175,000 in four equal
installments of \$43,750 at 90 day
intervals. Refunded overcharges will be
in the form of a certified check made
payable to the United States
Department of Energy and will be
delivered to the Assistant Administrator
for Enforcement, ERA. These funds will
remain in a suitable account pending the
determination of their proper
disposition.

The DOE intends to distribute the
refund amounts in a just and equitable
manner in accordance with applicable
laws and regulations. Accordingly,
distribution of such refunded
overcharges requires that only those
"persons" (as defined at 10 CFR 205.2)
who actually suffered a loss as result of
the transactions described in the
Consent Order receive appropriate
refunds. Because of the petroleum
industry's complex marketing system, it
is likely that overcharges have either
been passed through as higher prices to
subsequent purchasers or offset through
devices such as the Old Oil Allocation
(Entitlements) Program, 10 C.F.R. 211.67
In fact, the adverse effects of the
overcharges may have become so

diffused that it is a practical
impossibility to identify specific,
adversely affected persons, in which case
disposition of the refunds will be made
in the general public interest by an
appropriate means such as payment to
the Treasury of the United States
pursuant to 10 C.F.R. 205.199l(a).

III. Submission of Written Comments

A. Potential Claimants: Interested
persons who believe that they have a
claim to all or a portion of the refund
amount should provide written
notification of the claim to the ERA at
this time. Proof of claims is not now
being required. Written notification to
the ERA at this time is requested
primarily for the purpose of identifying
valid potential claims to the refund
amount. After potential claims are
identified, procedures for the making of
proof of claims may be established.
Failure by a person to provide written
notification of a potential claim within
the comment period for this Notice may
result in the DOE irrevocably disbursing
the funds to other claimants or to the
general public interest.

B. Other Comments: The ERA invites
interested persons to comment on the
terms, conditions, or procedural aspects
of this Consent Order.

You should send your comments or
written notification of a claim to Wayne
I. Tucker, District Manager of
Enforcement, P.O. Box 35228, Dallas,
Texas 75235. You may obtain a free
copy of this Consent Order by writing to
the same address or by calling (214) 767-
7745.

You should identify your comments or
written notification of a claim on the
outside of your envelope and on the
documents you submit with the
designation, "Comments on Horner and
Smith Consent Order." We will consider
all comments we receive by 4:30 p.m.,
local time, on May 27, 1980. You should
identify any information or data which,
in your opinion, is confidential and
submit it in accordance with the
procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 14th day of
April, 1980.

Wayne I. Tucker,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 80-12858 Filed 4-25-80; 8:45 am]

BILLING CODE 6450-01-M

Kirkpatrick Oil & Gas Co., Action Taken on Consent Order

AGENCY: Economic Regulatory
Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: April 14, 1980.

COMMENTS BY: May 27, 1980.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, phone 214/767-7745.

SUPPLEMENTARY INFORMATION: On April 14, 1980, the Office of Enforcement of the ERA executed a Consent Order with Kirkpatrick Oil and Gas Company (Kirkpatrick) of Oklahoma City, Oklahoma. Under 10 CFR 205.199(j)(b), the Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Kirkpatrick, with its office located in Oklahoma City, Oklahoma, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of crude oil sales, the Office of Enforcement, ERA, and Kirkpatrick, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through September 30, 1976, and it included all sales of crude oil which were made by SECO during that period.

2. Kirkpatrick, as a working interest owner of properties operated by SECO, allegedly misapplied the provisions of 10 CFR Part 212, Subpart D, when determining the prices to be charged for crude oil; and as a consequence, received prices in excess of the maximum lawful sales prices resulting in overcharges to the purchasers.

3. In order to expedite resolution of the disputes involved, the DOE and Kirkpatrick have agreed to a settlement in the amount of \$325,000. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Kirkpatrick.

4. Because the sales of crude oil were made to refiners and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199(j), including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Kirkpatrick agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the total sum of \$325,000 twenty-four (24) months from the date of the execution of the Consent Order. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition. The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(j)(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at

this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Kirkpatrick Oil and Gas Company Consent Order." We will consider all comments we received by 4:30 p.m., local time, on May 27, 1980. You should identify any information or date which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 14th day of April, 1980.

Wayne I. Tucker,
District Manager, Southwest District
Enforcement, Economic Regulatory
Administration.

[FR Doc. 80-12855 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 3051]

Central Vermont Public Service Corp., Application for Preliminary Permit

April 21, 1980.

Take notice that an application was filed on February 20, 1980, under the Federal Power Act, 16 U.S.C. § 791(a)-825(r), by the Central Vermont Public Service Corporation (Applicant) for a preliminary permit. The project, to be known as the East Barnet Project, would be located on the Passumpsic River in Caledonia County, near Barnet, Vermont. Correspondence with the Applicant on this matter should be addressed to: Mr. Darrow R. McLeod,

General Manager—Engineering and Power Operations, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vermont 05701.

Purpose of Project—Project Energy would be utilized in the Applicant's electric distribution system and sold to customers in its service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be approximately \$60,000.

Project Description—The project would consist of: (1) an existing concrete gravity dam, approximately 360 feet long, and varying in height between 3 and 12 feet; (2) a new powerhouse containing turbine-generators capable of developing between 1500 and 2200 horsepower and producing approximately 10,000,000 kWh annually at the higher horsepower; (3) new intake and headwork facilities and (4) an existing reservoir covering 156 acres and having a storage capacity of 40 acre-feet at elevation 490.05 feet msl with two-foot high flashboards in place.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, Applicant seeks a 24-month permit.

Agency comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 28, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 25, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12828 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-84]

Eastern Shore Natural Gas Co., Proposed Changes in FERC Gas Tariff

April 18, 1980.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 1, 1980 tendered for filing the following revised tariff sheets to be incorporated in its FERC Gas Tariff, effective June 1, 1980:

Fifteenth Revised Sheet No. 5
Fifteenth Revised Sheet No. 6
Fifteenth Revised Sheet No. 10

Fifteenth Revised Sheet No. 11
Fifteenth Revised Sheet No. 12
First Revised Sheet No. 246
First Revised Sheet No. 247

The proposed changes would increase revenues from jurisdictional sales and storage and transportation services by approximately \$204,000 annually based on the twelve-month period ending December 31, 1979, as adjusted.

Eastern Shore states that the principal reasons for the rate increase filing are increases in its operation and maintenance costs.

Copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12829 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 2958]

Madera Irrigation District; Application for Preliminary Permit

April 21, 1980.

Take notice that on August 28, 1979, the Madera Irrigation District (District) filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r)] for a proposed water power project to be known as the Madera Canal Hydroelectric Project, FERC No. 2958, on the Department of Interior, Water and Power Resources Service's (WPRS) existing Madera Canal in the County of Madera, California. Madera Canal begins at outlets on the north side of the Frant Dam, a major storage and diversion structure of the WPRS's Central Valley Project on the San Joaquin River and delivers irrigation water over a length of approximately 36 miles between the outlets and Ash Slough, a distributory to Chowchilla

River. Correspondence with the Applicant should be directed to Mr. Robert L. Stanfield, Manager-Chief Engineer, Madera Irrigation District, 12152 Road 28½, Madera, California 93637.

Project Description. The project would develop the hydroelectric power potential of three chutes located at stations 980+65, 1064+67 and 1910+60 on the Madera Canal, with available gross heads of 31, 11 and 26 feet, respectively. The project would consist of three powerhouses with maximum rated capacity of 3940 kW and appurtenant facilities.

Proposed Use of Project Power. Project energy would be used at nearby irrigation pumps of the Applicant.

Proposed Scope and Cost of Studies Under Permit. Applicant has requested a 3-year permit to prepare a definitive project report, including preliminary design, results of soils and other foundation tests, timing and quantities of canal flow at each chute, and environmental data. The cost of the above activities along with preparation of an environmental impact report, obtaining agreements with WPRS and other Federal, State and local agencies, preparing a license application and final field surveys and designs is estimated by Applicant to be \$150,000.

Agency Comments. Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for a preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications. Anyone desiring to file a competing application must submit to the Commission, on or before June 30, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 2, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene. Anyone desiring to be heard

or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 30, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12830 Filed 4-25-80; 8:45 am]
BILLING CODE 8450-85-M

[Docket No. CP80-309]

Michigan Wisconsin Pipe Line Co.; Application

April 21, 1980.

Take notice that on April 8, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-309 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of lateral pipeline and related facilities necessary to connect gas reserves underlying South Marsh Island Area Block 265, offshore Louisiana, (Block 265) to Applicant's existing offshore system, and incident therewith, to provide gas transportation services for Natural Gas Pipeline Company of America (Natural) and Northern Natural Gas Company (Northern), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales contract dated February 28, 1980, between it and Ocean Production Company, Ocean Oil and Gas Company, and Murphy Oil Corporation, Applicant has acquired the preferential right to purchase an aggregate of 13.5 percent of the natural gas reserves underlying

Block 265. Additionally, it is stated that Applicant presently owns and operates jointly with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), an offshore pipeline gathering system connecting South Marsh Island Area Block 249 (Block 249) and other blocks to the Blue Water Project onshore in Pecan Island, Vermilion Parish, Louisiana.

Applicant proposes to connect Block 265 to the abovementioned gathering system by jointly constructing and operating, with Tennessee, approximately 4.5 miles of 8½-inch O.D. pipeline extending from Block 249 and terminating in South Marsh Island Area Block 257 (Block 257). In accordance with an arrangement between the parties, Applicant and Tennessee would own two-thirds and one-third of the Block 249-257 pipeline, respectively, and Tennessee would operate the line on behalf of both itself and Applicant, it is stated. Applicant further proposes that it would construct and operate, by itself, the balance of the required line which would consist of approximately four miles of 8½-inch O.D. pipeline connecting the previously mentioned terminus in Block 257 of the jointly owned line and the production platform in Block 265. Additionally, Applicant would install and operate the necessary metering facilities on the Block 265 production platform to measure the deliveries of the gas therefrom, it is stated.

Applicant estimates the cost of its two-thirds share of the Block 249-257 pipeline at \$489,730, the cost associated with the Block 257-265 pipeline at \$1,721,000, and the cost of the measurement facilities on the Block 265 production platform at \$115,980. Thus, the total estimated cost to Applicant of the proposed facilities would be \$2,327,410 which cost would be financed initially with treasury funds and other funds generated internally, together with borrowings from banks under short-term lines of credit as required, it is said.

Pursuant to the terms and conditions set forth in substantially identical transportation agreements between Applicant and Natural dated March 3, 1980, and between Applicant and Northern dated March 4, 1980, Applicant states that it has agreed to provide transportation for up to 10,000 Mcf of natural gas per day for Natural (the contract demand) and up to 1,200 Mcf of gas per day (the contract demand) for Northern. Each of the agreements provides for Applicant to charge a monthly rate of \$7.21 for each Mcf of contract demand, and each agreement has a primary term of 15 years.

commencing from the date of initial deliveries, it is stated. Applicant states that the point of receipt set forth in both of the agreements is at an existing interconnection of the Block 249—Pecan Island Gathering System and the Blue Water Project. Applicant further states that both Natural and Northern have requested that redeliveries be made to Columbia Gulf Transmission Company (Columbia Gulf) for their respective accounts at the point of delivery inasmuch as both Natural and Northern have existing agreements with Columbia Gulf entitling each to have natural gas transported in reserved capacity in the Blue Water Project, it is said.

It is stated that Northern has an 8.75 percent leasehold interest in Block 265 gas and Natural has a 52.50 percent leasehold interest in such gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12831 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-85]

National Fuel Gas Supply Corp., Filing of Proposed Refund Plan

April 18, 1980.

Take notice that on April 4, 1980, National Fuel Gas Supply Corporation (National) tendered for filing a proposed refund plan under Section 282.506 of the Commission's Regulations to flow through refunds received from its suppliers that are applicable to periods prior to January 1, 1980.

National states that this proposed plan is the least burdensome and most equitable mean to comply with the intent of Section 282.506 of the Commission's Regulations.

National states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any persons wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12832 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Dockets Nos. ER80-220 and ER80-66, et al.]

New England Power Co., Order Accepting for Filing and Suspending Proposed Rates, Denying Motion To Reject and Motion for Summary Judgment, Granting Interventions, and Consolidating Proceedings

Issued: April 18, 1980.

On March 21, 1980, New England

Power Company (NEPCO) submitted for filing an amended change¹ in the demand charge for its limited capacity entitlements (LCE) service.² Under the amended proposal, the demand charge would be increased from \$3.12 per kw-month to \$3.42 per kw-month and revenues would be increased by approximately \$76,875 for the 1980 calendar test year. NEPCO's March 21 submittal amends its rate change filing of February 1, 1980, that proposed a demand charge of \$3.845 per kw-month and increased revenues by approximately \$178,446.

LCE service is non-firm unit power from NEPCO's oil-fired Brayton Point Unit Nos. 3 and 4 and Salem Harbor Unit No. 4. Fifty percent of each customer's entitlement is provided from Brayton Unit No. 3, while 25 percent is provided by each of the other two units.

NEPCO requests that this matter be consolidated with Dockets Nos. ER80-66, *et al.*, because the costs used in calculating the proposed LCE rate are included in the company's submittals concerning its proposed W-2 rate.³ NEPCO also requests waiver of the Commission's filing regulations (18 CFR § 35.13) to allow incorporation in the instant filing of Statement A through I and K submitted with the W-2 rate filing. NEPCO requests that the proposed LCE rate change be made effective on April 1, 1980.

Notice of NEPCO's original filing was issued on February 11, 1980. On March 3, 1980, NEPCO's unaffiliated resale customers submitted a protest and petition to intervene. On March 18 and 21, 1980, NEPCO responded.

The customers assert that NEPCO's February 1, 1980, filing should be rejected. First, as noted,⁴ they contend that the filing is inconsistent with the

¹ The March 21 filing was submitted in response to a protest and petition to intervene submitted by NEPCO's unaffiliated resale customers on March 3, 1980. As urged by the customers, the LCE rate proposed on March 21 does not reflect NEPCO's property losses (relating to the abandoned Salem Harbor No. 5 and NEES I and II units) and long-term coal conversion costs relating to Brayton Unit No. 3. With regard to NEPCO's plans to convert oil-fired capacity to coal-fired capacity, *see* orders issued December 31, 1979, February 13 and March 31, 1980, in *New England Power Company*, Docket Nos. ER80-66 *et al.*

² NEPCO's LCE tariff was accepted for filing by letter order dated December 17, 1979, in Docket No. ER80-72.

³ See Attachment A for rate schedule designations. The customers affected by the proposed rate increase are the Massachusetts municipalities of Ashburnham, Danvers, Groton, Hingham, Holden, Mansfield, Middleton, Peabody, Shrewsbury, Templeton, Wakefield and West Boylston.

⁴ *See* Orders in *New England Power Company*, Docket Nos. ER80-66, ER80-67 and ER80-68, issued December 31, 1979, and February 13, 1980.

⁵ *See* footnote 1, *supra*.

terms of NEPCO's tariff because the proposed LCE demand charge reflects costs (property losses and coal conversion costs) not related to the three specified generating units. Of course, these allegations are now moot. Second, the customers assert that NEPCO's filing does not comply with the Commission's filing regulations as it does not include a Period I cost of service. Third, the Customers contend that NEPCO has not submitted cost of capital testimony for this case. While they acknowledge that such testimony was submitted in Docket Nos. ER80-66, *et al.*, they state that that testimony does not support NEPCO's LCE rate proposal because NEPCO should not be permitted to earn the same equity return for its LCE service as it claims for its full requirements service. The customers also state that the portion of the proposed rate increase attributable to NEPCO's derating of Brayton Point Unit No. 3 should also be summarily denied because NEPCO has not submitted testimony in this regard.⁵

Alternatively, the customers request that the proposed LCE rate change be suspended for the full five-month statutory period. They also state that consolidation of this docket with Docket Nos. ER80-66, *et al.*, is appropriate.

Our review of NEPCO's filing indicates that it substantially complies with our filing regulations. Accordingly, the Customers' motion to reject is denied. We note that while NEPCO has not tendered in this case a Period I Statement M allocation of its overall costs of the LCE service, its Period I study submitted in Docket Nos. ER80-66, *et al.*, and other related workpapers contain specific cost allocations for the LCE service.

We shall also deny the customers' motion for summary disposition as to the derating of Brayton Point Unit No. 3. This matter and others raised by the customers, including NEPCO's claimed working capital allowance and return on common equity, are best resolved on the basis of a record developed during an evidentiary hearing.

Our review of NEPCO's submittals, as amended, indicates that the proposed LCE rate has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. We shall waive the sixty-day notice requirement to allow a proposed effective date of April 1, 1980, accept NEPCO's proposed LCE demand charge for filing, suspend the

effectiveness of the charge of five months, and permit it to become effective on September 1, 1980, subject to refund at the outcome of these proceedings.

We find good cause to accept and grant the customers' late-filed petition to intervene. NEPCO's request for waiver of certain of our filing regulations is unnecessary in light of Section 35.19 of our regulations which permits reference to information previously submitted in other dockets. This proceeding shall be consolidated with Docket Nos. ER80-66, *et al.*, for purposes of hearing and decision.

The Commission orders: (a) The customers' motion to reject NEPCO's filing is hereby denied.

(B) Waiver of Section the notice requirement under Section 35.3 of the regulations is granted to allow a proposed effective date of April 1, 1980.

(C) NEPCO's proposed LCE demand charge, as amended to exclude the abandonment and coal conversion costs, is hereby accepted for filing and suspended for five months, and permitted to become effective as of September 1, 1980, subject to refund.

(D) The Customer's motion for summary disposition is hereby denied.

(E) Good cause is found to accept and grant the customers' petition to intervene, *Provided, however*, that participation by the intervenors shall be limited to the matters set forth in their petitions to intervene and *Provided, further*, that the admission of intervenors shall not be construed as recognition by this Commission that they might be aggrieved by any order entered in this proceeding.

(F) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by § 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and Regulations under the Federal Power Act, a public hearing shall be held concerning the justness and reasonableness of NEPCO's proposed rates.

(G) Docket No. ER80-220 is hereby consolidated with Docket Nos. ER80-66, *et al.*, for hearing and decision.

(H) The Secretary shall promptly publish this order in the Federal Register.

By the Commission,
Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12833 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-86-M

[Docket No. TA80-2-17 & CP77-313]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 18, 1980.

Take notice that Texas Eastern Transmission Corporation on April 3, 1980 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet: Substitute Fifty-third Revised Sheet No. 14

On January 30, 1980 Texas Eastern filed with the Commission an Advanced Payment Tracker reducing Texas Eastern's rates. The tariff sheets were accepted by the Commission effective March 1, 1980 by Order issued February 29, 1980.

On February 22, 1980 Texas Eastern filed with the Commission a reduction in rates under Rate Schedule ISS effective February 1, 1980, which was accepted by Commission order issued March 25, 1980. The decrease in ISS rates reflected a flow through of decreased costs to Texas Eastern as a result of Consolidated Gas Supply Corporation's decrease in rates under Consolidated's GSS Rate Schedule.

The sole purpose of this substitute tariff sheet is to reflect Texas Eastern's ISS rate reduction on that tariff sheet previously accepted by the Commission to be effective March 1, 1980.

The proposed effective date of the above tariff sheets is March 1, 1980.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12834 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-86-M

⁵NEPCO indicates that the LCE demand charge is calculated by dividing the fixed costs relating to each of the three LCE units by the capability of each unit. Thus, NEPCO's derating of the Brayton unit increases the demand charge per kw for that unit.

[Docket No. GP80-23]**Texas Gas Transmission Corp., Protest To Charge and Collect NGPA Price**

Issued: April 21, 1980.

Take notice that on March 10, 1980, Texas Gas Transmission Corporation 3800 Frederica Str. P.O. Box 1160, Owensboro, Kentucky (Texas Gas), pursuant to Section 154.94(h)(8) of the Commission's Regulations (18 CFR § 154), filed a petition protesting the claim of contractual authority of the Superior Oil Company (Superior) to charge and collect from Texas Gas a certain maximum lawful price established by the Natural Gas Policy Act of 1978 (NGPA).

Texas Gas submits that Superior filed a supplemental blanket affidavit under Texas Gas' Contract No. 469 and Superiors' Rate Schedule No. 69 on January 3, 1980 seeking a unilateral rate increase to collect the Section 106(a) price. Texas Gas asserts that it is protesting this filing since the subject contract has not been executed and, consequently, does not meet the requirements of a rollover as defined under Section 106(a) of the NGPA.

Any person desiring to be heard or to make any protests concerning the protest filed in this docket should on or before May 9, 1980, filed with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken herein but will not serve to make the protestants parties to this proceeding. Any party wishing to become a party to this proceeding, or to participate as a party in any hearing herein, must file a petition to intervene with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12835 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP80-306]**Western Gas Interstate Co., Application**

April 17, 1980.

Take notice that on April 2, 1980, Western Gas Interstate Company (Applicant), 1800 First International Building, Dallas, Texas 75270, filed in Docket No. CP80-306 an application pursuant to Section 7(c) of the Natural

Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of natural gas to Southern Union Gas Company (Southern Union) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Western proposes to construct approximately 12 miles of 6-inch pipeline that would loop a portion of its East Line in the vicinity of Turpin, Oklahoma, which loop line would increase the capacity of the East Line, and, even more important, allow operation of the line at the higher pressures necessary to move needed volumes in the direction of Beaver, Oklahoma, it is stated. The loop line would increase the delivery capacity of the East Line by approximately 800 Mcf per day, it is asserted.

Applicant states that it purchases gas from many sources at various points along its East Line and resells the gas to Southern Union, its only customer, at numerous other points along the East Line, which gas is resold by Southern Union to its residential, commercial, and irrigation customers.

Applicant states that its acquisition of additional gas supplies has been restricted by the present operating conditions of the system, and that it is in need of additional gas supplies but cannot reasonably compete for the additional supplies if it is unable to accept delivery of the volumes available and to transport the volumes to the points where the gas is needed. The increased capacity and delivery capability of the East Line resulting from the construction and operation of the loop line would help alleviate these problems, since the loop line would allow Applicant to move additional volumes to points where additional gas is needed, it is asserted.

Applicant states that the total estimated capital cost for the proposed facilities is \$572,336, which would be financed by means of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 80-12836 Filed 4-25-80; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY**[FRL 1479-2]****Approval of PSD Permit to United Gas Pipeline Co.**

Notice is hereby given that on March 4, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-211, to United Gas Pipeline Company for approval to install five reciprocating engine compressors and a dehydration unit at the existing compressor station located at Carthage, Panola County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Secretary, City Hall,
P.O. Box 400 Carthage, Texas 75633.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12874 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1479-1]

Approval of PSD Permit to Temple-Eastex, Inc.

Notice is hereby given that on March 7, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-AR-275a to Temple-Eastex, Incorporated for approval to construct a new gypsum rock calcining mill to be located at 504 East Barton in West Memphis, Crittenden County, Arkansas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Eighth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Clerk, City Hall, 205 S.
Redding, West Memphis, Arkansas
72301.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12875 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1478-8]

Approval of PSD Permit to Marathon Oil Co.

Notice is hereby given that on March 3, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-241, to Marathon Oil Company for approval to replace the existing No. 5 topping crude heater firing refinery gas with a new heater firing natural gas and No. 6 fuel oil, located at the Texas City Refinery, 6th Street,

Texas City, Galveston County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Secretary, City Hall,
1809 Ninth Avenue North, Texas City,
Texas 77590.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 12876 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1478-7]

Approval of PSD Permit to GAF Corp.

Notice is hereby given that on February 27, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-285a, to GAF Corporation for approval to construct a new asphalt roofing machine facility located at 2600 Singleton Boulevard in Dallas, Dallas County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Secretary, City Hall,
1500 Marilla, Dallas, Texas 75201.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12877 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1478-6]

Approval of PSD Permit to Great Lakes Carbon Corp.

Notice is hereby given that on February 27, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-AR-271a, to Great Lakes Carbon Corporation for approval to construct six new carbottom baking and rebaking furnaces in the existing facility located approximately one-half mile southwest of Denning and approximately two and one-half miles southwest of Altus, Franklin County, Arkansas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Eighth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the Mayor, City Hall, Altus,
Arkansas 72821.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12878 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1478-5]

Approval of PSD Permit to Shell Oil Co.

Notice is hereby given that on March 7, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-LA-105, to Shell Oil Company for approval to construct a chemical manufacturing plant to be located in Edgard, St. John the Baptist Parish, Louisiana. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the Parish Manager, Parish
Courthouse, Edgard, Louisiana 70049.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12879 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1478-4]

Approval of PSD Permit to United States Gypsum Co.

Notice is hereby given that on February 13, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-255a, to United States Gypsum Company for approval to construct a new wallboard manufacturing plant facility located 2.8 miles east of Sweetwater, Nolan County, Texas, north of East Highway 80. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Comptroller,
Municipal Building, Sweetwater,
Texas 79556.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 12880 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1478-3]

Approval of PSD Permit to Uni Oil, Inc.

Notice is hereby given that on March 12, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-229, to Uni Oil for approval to modify its existing 40,000 barrel per day petroleum refinery located on FM 2725, 2 miles southeast of Ingleside, San Patricio County, Texas. This permit has been issued under EPA's Prevention of Significant Air

Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Secretary, City Hall,
501½ San Angelo, Ingleside, Texas
78662.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12881 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1478-2]

Approval of PSD Permit to Hill Petroleum Co.

Notice is hereby given that on March 7, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-LA-286a, to Hill Petroleum Company for approval to construct a petroleum refinery expansion facility located south of Krotz Springs, St. Landry Parish, Louisiana, on the west bank of the Atchafalaya River. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the Mayor, City Hall, North
Main Street, Krotz Springs, Louisiana
70750.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12882 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1478-1]

Approval of PSD Permit to Lone Star Industries, Inc.

Notice is hereby given that on February 19, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-TX-174, to Lone Star Industries, Incorporated for approval to construct a Portland cement manufacturing plant to be located 3.5 miles southwest of Georgetown, Williamson County, Texas. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Office of the City Manager, City Hall,
West 7th Street, Georgetown, Texas
78626.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12883 Filed 4-25-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1477-8]

Approval of PSD Permit to United Gas Pipeline Co.

Notice is hereby given that on March 4, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-LA-230, to United Gas Pipeline Company for approval to install three new 3,500 horsepower reciprocating compressor engines located at the Clarence Compressor Station, Clarence, Natchitoches Parish, Louisiana. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270.
Natchitoches Public Library, 431
Jefferson Street, Natchitoches,
Louisiana 71457

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12884 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1477-7]

Approval of PSD Permit to Milchem Mineral Operations

Notice is hereby given that on February 19, 1980, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-OK-251a, to Milchem Mineral Operations for approval to construct a new barite grinding mill facility located 4 miles south of Clinton, Washita County, Oklahoma on Highway 183. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Tenth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270;
Permits Section, Air Quality Service,
Oklahoma State Department of
Health, Northeast Tenth and
Stonewall, Oklahoma City, Oklahoma
73152.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12885 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1477-6]

Approval of PSD Permit to Cajun Electric Power Electric, Inc.

Notice is hereby given that on March 25, 1980, the Environmental Protection Agency (EPA) issued a Prevention of

Significant Deterioration (PSD) permit, number PSD-LA-106, to Cajun Electric Power Cooperative, Inc. for approval to construct a 6,011 Btu/hr design heat input lignite-fired steam electric generating station located at Big Cajun No. 3 Station on State Highway 177, six miles southwest of Coushatta, Red River Parish, Louisiana. This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration regulations (40 CFR 52.21) applicable to the new facility subject to certain conditions stated in the permit.

The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Court of Appeals for the Fifth Circuit. A petition for review must be filed on or before June 27, 1980.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency,
Region 6, Air Enforcement Branch,
1201 Elm Street, First International
Building, Dallas, Texas 75270;
Office of the City Clerk, City Hall, P.O.
Box 531, Coushatta, Louisiana 71019.

Dated: April 10, 1980.

Myron O. Knudson,
Acting Regional Administrator, Region 6.

[FR Doc. 80-12886 Filed 4-25-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1479-4; OPTS-51051]

Certain Chemicals

Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of five PMN's and provides a summary of each.

DATES: Written comments by:

PMN 80-63—May 27, 1980,
PMN 80-64—May 27, 1980,
PMN 80-65—May 28, 1980,
PMN 80-66—May 28, 1980,
PMN 80-46—May 21, 1980.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
Office of Pesticides and Toxic
Substances, Environmental Protection

Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT:

Notice Manager, PMN No. and
Telephone

Robert Smith, 80-63, 202/426-8815
Robert Smith, 80-64, 202/426-8815
Richard Green, 80-65, 202/426-3936
Richard Green, 80-66, 202/426-3936
Cynthia Work, 80-46, 202/426-2601

Mail Address for Notice Managers:
Premanufacture Review Division
(TS-794), Office of Pesticides and
Toxic Substances, Environmental
Protection Agency, 401 M St., SW,
Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the

Company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "Dates" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51051]" and the specific PMN number. Comments received may be seen in the above office

between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 17, 1980.

Blake Biles,

Acting Deputy Assistant Administrator for Chemical Control.

PMN 80-63. The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 24, 1980.

Manufacturer's Identity. Witco Chemical Corp., 277 Park Avenue, New York, New York.

Chemical Identity. Alkyl substituted cyclic peroxyketal.

Use. Industrial use as a crosslinking agent of high density polyethylene, a molecular weight modifier for polypropylene, and high temperature catalyst for unsaturated polyester resins.

Production Volume.

1980.....	2,000
1981.....	15,000
1982.....	35,000

Physical/Chemical Properties. No data submitted for the PMN substance.

Toxicology Data. No toxicology data were provided for the PMN substance.

Exposure. Occupational: Direct exposure of workers to the liquid product will only occur in accidental situations, such as spills or leaks during loading and transferring the product. Only one worker is employed in the manufacturing unit. Hours of operation will be 8 hours daily for 100 to 200 days per year.

Processing: No estimate of number of workers exposed. Company expects 15 customers.

Environmental Release. During manufacture—expected to be nil. Waste disposal of byproduct peroxyketal is as follows:

1. Aqueous waste layers are sent to a treatment pond where COD and pH are monitored and solids are removed before discharge into the local sewer district. This discharge is monitored by the City of San Pablo and the State of California.

2. The solid wastes or wastes that cannot be discharged into the sewer are collected and removed to a certified chemical waste disposal site.

3. Stripped unreacted reactants are recycled back to the subsequent reactions.

PMN 80-64. The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 24, 1980.

Manufacturer's Identity. Witco Chemical Corp., 277 Park Avenue, New York, New York.

Chemical Identity. Alkyl substituted cyclic peroxyketal.

Use. Industrial use as a crosslinking agent of high density polyethylene, a molecular weight modifier for polypropylene, and high temperature catalyst for unsaturated polyester resins.

Production Volume

1980.....	2,000
1981.....	15,000
1982.....	35,000

Physical/Chemical Properties. No data submitted for the PMN substance.

Toxicology Data. No toxicology data were provided for the PMN substance.

Exposure. Occupational: Direct exposure of workers to the liquid product will only occur in accidental situations, such as spills or leaks during loading and transferring the product. Only one worker is employed in the manufacturing unit. Hours of operation will be 8 hours daily for 100 to 200 days per year.

Processing: No estimate of number of workers exposed. Company expects 15 customers.

Environmental Release. During manufacture—expected to be nil. Waste disposal of byproducts peroxyketal is as follows:

1. Aqueous waste layers are sent to a treatment pond where COD and pH are monitored and solids are removed before discharge into the local sewer district. This discharge is monitored by the City of San Pablo and the State of California.

2. The solid wastes or wastes that cannot be discharged into the sewer are collected and removed to a certified chemical waste disposal site.

3. Stripped unreacted reactants are recycled back to the subsequent reactions.

PMN 80-65. The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 25, 1980.

Manufacturer's Identity. Claimed confidential.

Chemical Identity. Poly(oxy (methyl-1, 2-ethanediyl)), alpha-(di-3, 3'-carboxyl-1-oxosulfo-propyl)—omega-2-propanol-1,1'-((1-methylethylidene) bis (4,1-phenoxy)) bis-, disodium salt.

Use. Specific use claimed confidential; however, the chemical will be used in an emulsion polymerization process.

Production Volume

Production year:	Production (kg/yr)	
	Minimum	Maximum
First year	1,000	10,000
Second Year	10,000	12,000
Third year	10,000	12,000

Test data. No test data were provided.

Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration average peak (ppm)
			Hours/day	Days/year	
Manufacture	Liquid contact	2	1.0	10	>100

Environmental Release.

Media	Duration of release		Amount of substance (kg/yr)
	Hours/day	Days/year	
Water	1	10	100-1000

All liquid materials, including washouts from the process equipment is pumped into a disposal well located at the plant. This disposal well is more than 7,000 feet deep.

PMN 80-68. The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 25, 1980.

Manufacturer's Identity. Claimed confidential.

Exposure.

Activity	Exposure routes	Maximum number of persons exposed	Maximum duration		Concentration average peak (ppm)
			Hours/day	Days/year	
Manufacture	Liquid contact	2	1.0	10	>100

Environmental Release.

Media	Duration of release		Amount of substance (kg/yr)
	Hours/day	Days/year	
Water	1	10	100-1000

All liquid materials, including washouts from the process equipment is pumped into a disposal well located at the plant. This disposal well is more than 7,000 feet deep.

PMN 80-46. The following summary is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 19, 1980.

Manufacturer's Identity. Ethyl Corporation, Industrial Chemical Division, 451 Florida Blvd., Baton Rouge, LA 70801.

Chemical Identity. Claimed confidential. Generic name provided by the manufacturer: Alkyl substituted phenol.

Chemical Identity. Poly(oxy(methyl-1,2-ethanediyl)), alpha-3,3'dicarboxyl-1-oxosulfopropyl), poly(oxy(methyl-1,2-ethanediyl)) - hydroxy-C₁₈₋₁₈ alkyl, disodium salts.

Use. Specific use claimed confidential; however, the chemical will be used in an emulsion polymerization process.

Production volume.

Production year	Production (kg/yr)	
	Minimum	Maximum
First year	1,000	10,000
Second year	10,000	12,000
Third year	10,000	12,000

Test data. No test data were provided.

Use. Claimed confidential.

Production volume. Claimed confidential.

Test data.

Tests and Results

Oral LD₅₀ (mice): 178 mg/kg
Eye irritation: not tested
Skin irritation: no local or general effects
Corrosiveness: non-corrosive

Exposure. The chemical's extremely low volatility will put negligible amounts into the air, certainly less than 1 ppm by volume in the work air. There should be no waste disposal problems with this compound nor water pollution as the trace of material in any waste water would pass through a biodegradation pond.

[FR Doc. 80-12887 Filed 4-25-80; 8:45 am]
BILLING CODE 6580-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 8, 1980. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. 10382-1.

Filing party: Jorge Luis Wachter, Executive Administrator, Conferencia Interamericana de Fletes—Sección "B," Lavalle 381—8° Piso (1047), Buenos Aires, Argentina.

Summary: Agreement No. 10382-1, among A. Bottacchi S.A. de Navegacion C.F.I.L. Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional, Delta Steamship Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., Montemar S.A. Comercial y Maritima, Navimex S.A. de C.V. (Navimex) and Reefer Express Lines Pty., Ltd., modifies the Argentina/U.S. Gulf Cargo Revenue Pooling and Sailing Agreement. The purpose of Agreement No. 10382-1 is to amend Articles 2-a, 2-b and 5-a to reflect the addition of Navimex as a signatory and Navimex's acceptance of a 1.9 percent pool share quota and minimum number of sailings. The amendment provides for the reservation of a 4.3 percent pool share to be allocated to

Transportacion Maritime Mexicana S.A. (TMM) should TMM agree to accept said share. Until such time, TMM's share is temporarily allocated to signatory lines on a prorata basis.

By Order of the Federal Maritime Commission.

Dated: April 22, 1980.

Francis C. Hurney,
Secretary.

[FR Doc. 80-12871 Filed 4-25-80; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reasons why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

A & C Forwarding (Gisela C. Suarez & Susana M. Rodriguez, d.b.a.), 271 E. 58th Street, Hialeah, FL 33013.

Transatlantis International Inc., 176-24 148th Avenue, Jamaica, NY 11434. Officers: Ignacio Sapot, President, Fredric Mosher, Asst. Vice President, Leonard J. Hirschhorn, Director, Kenneth Zuckerbrot, Director, Cheyenne Aldamuy, Asst. Secretary, W. J. Korbach, Shareholder, Othmar Czeschka, Shareholder.

By the Federal Maritime Commission.

Dated: April 23, 1980.

Francis C. Hurney,
Secretary.

[FR Doc. 80-12804 Filed 4-25-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The Bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their

views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 19, 1980.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Traders Bancshares Corporation, Tullahoma, Tennessee (leasing activities; Southeastern United States); to engage, through its subsidiary, Traders Leasing Corporation, in making and acquiring leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Tullahoma, Tennessee, serving Tennessee, Kentucky, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, North Carolina and South Carolina.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

This notice corrects a previous Federal Register document (FR Doc. 80-10566) published at page 23741 of the issue for Tuesday, April 8, 1980. Hupp Credit Corporation was mistakenly omitted from the original notice.

Bankamerica Corporation, San Francisco (financing fifty (50) states and the District of Columbia); to engage, through its indirect subsidiaries, FinanceAmerica Corporation, a Colorado corporation; FinanceAmerica Corporation, an Arizona corporation; FinanceAmerica Corporation, a California corporation; FinanceAmerica Corporation, an Idaho corporation; FinanceAmerica Corporation, a Texas corporation; FinanceAmerica

Corporation, a New Mexico corporation; FinanceAmerica Corporation, an Oregon corporation; FinanceAmerica Corporation, a Wyoming corporation; FinanceAmerica Corporation of Nebraska, a Nebraska corporation; FinanceAmerica Corporation, a Utah corporation; FinanceAmerica VIP Service Corporation, a Delaware corporation; Hupp Credit Corporation, a Delaware Corporation; Electronics Credit Corporation, a Delaware corporation; FinanceAmerica Credit Corporation, a Delaware corporation; FinanceAmerica Corporation, a Nevada corporation; MerCredit Corporation, a Pennsylvania corporation; FinanceAmerica Private Brands Inc., a Pennsylvania corporation; Ariens Credit Corporation, a Pennsylvania corporation; FinanceAmerica Corporation, a Kansas corporation; FinanceAmerica Corporation, an Oklahoma corporation, in the activity of making or acquiring for their own accounts, loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include but not be limited to making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to businesses; making loans secured by real and personal property; providing the financing of stock and floor plan inventory of distributors and dealers.

These activities will be conducted from an office at 5031 Birch Street, Newport Beach, California 92660.

Comments on this application must be received by May 1, 1980.

C. Other Federal Reserve Banks.
None.

Board of Governors of the Federal Reserve System, April 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12912 Filed 4-25-80; 8:45 am]

BILLING CODE 6510-01-M

Banco de Venezuela International; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Banco de Venezuela International, Miami, Florida. Banco de Venezuela International would operate as an indirect subsidiary of Banco de Venezuela, S.A., Caracas, Venezuela. The factors that are considered in acting on the application are set forth in

section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 21, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12911 Filed 4-25-80; 8:45 am]
BILLING CODE 6210-01-M

Bay Bancorporation, Inc.; Formation of Bank Holding Company

Bay Bancorporation, Inc., Riverview, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 89.51 per cent or more of the voting shares of Bank of Riverview, Riverview, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12913 Filed 4-25-80; 8:45 am]
BILLING CODE 6210-01-M

Citizens Bancorp., Inc., Formation of Bank Holding Company

Citizens Bancorp. Inc., Waukegan, Illinois, has applied for the Board's

approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens National Banks of Waukegan, Waukegan, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12914 Filed 4-25-80; 8:45 am]
BILLING CODE 6210-01-M

Cowden Bancorp, Inc.; Formation of Bank Holding Company

Cowden Bancorp, Inc., Springfield, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of State Bank of Cowden, Cowden, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12915 Filed 4-25-80; 8:45 am]
BILLING CODE 6210-01-M

Danville Bancshares, Inc.; Formation of Bank Holding Company

Danville Bancshares, Inc., Danville, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Second National Bank of Danville, Danville, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12916 Filed 4-24-80; 8:45 am]
BILLING CODE 6210-01-M

Edgewood Bancshares, Inc.; Formation of Bank Holding Company

Edgewood Bancshares, Inc., Countryside, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to Edgewood Bank, Countryside, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 21, 1980. Any comment on an application that

requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12917 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Fifth Third Bancorp; Acquisition of Bank

Fifth Third Bancorp, Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to the Fayette County Bank, Jeffersonville, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12918 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

First Security Bancorp., Inc.; Formation of Bank Holding Company

First Security Bancorp, Inc., Moline, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Moline National Bank, Moline, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy B. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12919 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Knoff Bancshares, Inc.; Formation of Bank Holding Company

Knoff Bancshares, Inc., Cokato, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 92.5 per cent or more of the voting shares of The First National Bank of Cokato, Cokato, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Knoff Bancshares, Inc., Cokato, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of First National Agency of Cokato, Inc., Cokato, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of acting as a general insurance agent or broker in a community that has a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Cokato, Minnesota, and the geographic area to be served is that area within a seven mile radius of the community of Cokato. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh

possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 18, 1980.

Board of Governors of the Federal Reserve System, April 18, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12920 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Lanark Bancshares, Inc., Formation of Bank Holding Company

Lanark Bancshares, Inc., Lanark, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Exchange State Bank, Lanark, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-12921 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares Corp. of Texas; Acquisition of Bank

National Bancshares Corporation of Texas, San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of Harlandale Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 22, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12922 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Republic International Bank of New York; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be known as Republic International Bank of New York, Los Angeles, California. Republic International Bank of New York would operate as a subsidiary of Republic National Bank of New York, New York, New York. The factors that are considered in acting on the application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 18, 1980. Any comment on an application that requests

a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 18, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12923 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Seagraves Bancshares, Inc.; Formation of Bank Holding Company

Seagraves Bancshares, Inc., Seagraves, Texas, has applied for the Board's approval under section 3 (a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First State Bank in Seagraves, Seagraves, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than May 19, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 18, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12924 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

Windom State Investment Co., Formation of Bank Holding Company

Windom State Investment Company, Windom, Minnesota, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 87.9 percent or more of the voting shares of Windom State Bank, Windom, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Windom State Investment Company, Windom, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Windom State Credit Company, Windom, Minnesota, and Windom State Agency, Windom, Minnesota.

Applicant states that the proposed subsidiaries would engage, respectively, in the activities of making agricultural production credit loans and acting as agent for the sale of general insurance in Windom, Minnesota, a town of less than 5,000 people. These activities would be performed from offices of Applicant's subsidiaries in Windom, Minnesota, and the geographic areas to be served are Cottonwood and Jackson Counties in Minnesota. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 21, 1980.

Board of Governors of the Federal Reserve System, April 21, 1980.

Cathy L. Petryshyn,
Assistant Secretary of the Board.

[FR Doc. 80-12925 Filed 4-25-80; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

Assessment Policy Committee, National Assessment of Education Progress; Meeting

Notice is hereby given that the Assessment Policy Committee of the National Assessment of Educational Progress (NAEP) will meet on June 13-14, 1980 at the Holiday Inn Denver Downtown, Molly Gibson Room, 15th and Glenarm Place, Denver, Colorado 80202. The session on June 13 will commence at 9:00 a.m. and terminate at 5:00 a.m., and the session on June 14 will commence at 8:30 a.m. and terminate at 12:00 noon.

The Assessment Policy Committee is established under section 405(k)(2)(A) of the General Education Provisions Act, as amended by section 1242 of the Education Amendments Act of 1978. The Policy Committee is responsible for the design of NAEP, including the selection of the learning areas to be assessed, the development and selection of goal statements and assessment items, the assessment methodology, the form and content of the reporting and dissemination of results, and studies to evaluate and improve the form and utilization of NAEP.

NAEP is a periodic survey of the knowledge, skills, understandings, and attitudes of young Americans. During this meeting, the Assessment Policy Committee will review and discuss future learning area cycles, confidentiality and the release of assessment data, Fiscal Year 1981 Operational Plan, and policy, management and other administrative matters.

The entire meeting will be open to the public. Interested persons are invited to attend the meeting. In order to assure adequate seating arrangements, persons likely to attend the meeting may contact the following person: Mr. Dunlap Scott, National Assessment of Educational Progress, 1860 Lincoln Street, Denver, Colorado 80295, (303) 861-4917

Dated: April 22, 1980.

Martin Milrod,
Project Officer.

[FR Doc. 80-12843 Filed 4-25-80; 8:45 am]

BILLING CODE 4110-39-M

Public Health Service

Privacy Act of 1974; New System of Records

AGENCY: Department of Health, Education, and Welfare; Public Health Service.

ACTION: Notification of new system of records, biomedical research: patient and donor records in the blood components support program for the Division of Cancer Treatment, HEW/NIH/NCI, 09-25-0141.

SUMMARY: In accordance with the requirements of the Privacy Act, the Public Health Service (PHS) is publishing notice of a proposal to adopt a new system of records, Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment of the National Cancer Institute. The system will be used for serological matching of blood types from volunteer donors with those of cancer patients treated by the National Cancer Institute (NCI) of the National Institutes of Health (NIH). PHS invites interested persons to submit comments on the proposed routine uses of this system of records on or before May 29, 1980.

DATES: This system, except for the routine use provisions is effective April 28, 1980. The routine uses will be effective May 28, 1980, unless PHS receives comments which would result in a contrary determination.

ADDRESS: Comments should be addressed to the NIH Privacy Act Coordinator at the address listed immediately below. Comments received will be available for inspection during office hours in Room 3B03, Building 31, at that address.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth Thibodeau, NIH Privacy Act Coordinator, Building 31, Room 3B07 9000 Rockville Pike, Bethesda, MD 20205, or call 301-496-4606.

SUPPLEMENTARY INFORMATION: The National Cancer Institute (NCI) proposes to adopt a new system of records to support an on-going program identifying suitable blood donors for certain cancer patients. This system of records is used for clinical purposes only.

NCI collects patient and donor identifiers, blood types and a few other clinical data items necessary to insure appropriate matching.

Because this is an on-going program, NCI performed a risk analysis of the system of records in accordance with Chapter 45-13 of the HEW General Administration Manual.

NCI did not report this system of records earlier because it believed the records were covered by the system notice, 09-25-0011, Clinical Research: Blood Donor Records, HEW/NIH/CC. Upon review, the NIH determined that the notice for this earlier system does not accurately describe the records in the Division of Cancer Treatment's Blood Component Support Program.

Specifically, the system of records for this Program includes both patient and donor records and it involves a contract for computer identification of matching serological blood types. The NCI maintains other records on research and treatment concerning the same patients, but these records are contained in system 09-25-0060, Clinical Research: Division of Cancer Treatment Clinical Investigations.

Dated: April 7, 1980.

Jack N. Markowitz,
Acting Director, Office of Management.

09-25-0139

SYSTEM NAME: BIOMEDICAL RESEARCH:

Patient and Donor Records in the Blood Component Support Program for the Division of Cancer Treatment, HEW/NIH/NCI.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Clinical Center, Room 3B-15, Building 10, National Institutes of Health (NIH), 9000 Rockville Pike, Bethesda, MD 20205.

Plateletpheresis Trailer, NIH Reservation, 9000 Rockville Pike, Bethesda, MD 20205.

NIH Computer System, NIH Reservation, Building 12, 9000 Rockville Pike, Bethesda, MD 20205.

UCLA Computer System, University of California, Los Angeles, 1000 Veteran Avenue, Los Angeles, CA 90024.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Patients with cancer and normal volunteers with compatible HL-A blood types.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood cell types, donor and patient names, dates of sample collections, hospital numbers (i.e. NIH patient numbers), reaction notes and compatibility evaluation, sera.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 301, 401, PHS Act (42 U.S. Code 241, 282).

PURPOSE(S):

This system provides for serological matching of blood platelets between donor blood and that of cancer patients treated with cytotoxic drugs. These drugs depress normal blood elements, including platelets. Infusion of platelets from normal donors prevents life-threatening hemorrhage.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to HEW contractors and collaborating researchers for uses consistent with the purpose of this system of records.

2. Disclosure may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual.

3. In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States, where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent that employee, the Department may disclose the records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

File cards, computer tapes.

RETRIEVABILITY:

Donor names are retrieved by HL-A type, which is also listed for each patient. Patient records are retrieved by name or patient identification number.

SAFEGUARDS:

The identity of subjects participating in a clinical study is known only to those who are involved in conducting the study, and any published findings will be in a format which precludes individual identification.

Data are kept in secured areas with access limited to authorized personnel. Authorized users of the system include the Community Blood and Plasma Service's site manager or designate, the NCI project officer or designate, and

principal investigator or designate at the University of California, Los Angeles, in whose laboratory all HL-A typings are performed and whose laboratory maintains and generates a computer file.

Textual records are in locked containers. For computerized records, where appropriate, with Department standards and the National Bureau of Standards guidelines are followed: Access is controlled by the use of security codes known only to authorized personnel; computer terminals are locked; access codes are changed frequently.

RETENTION AND DISPOSAL:

Records are retained and disposal of in accordance with NIH records controls schedule, items 3000-E-36, 3000-E-50 and 3000-E-51 (DHEW Records Management Manual, Appendix B-361). A copy of the records control schedule may be obtained by writing to the system manager at the address below.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Experimental Hematology Section Pediatric Oncology Branch, Division of Cancer Treatment, National Cancer Institute, NIH, Room 3B-15, Building 10, 9000 Rockville Pike, Bethesda, MD 20205

NOTIFICATION PROCEDURE:

To determine if a record exists write to system manager and provide following information:

- a. System Name: Blood Component Support Program for the DCT, NCI.
- b. Complete name at time of study/donation.
- c. Facility and home address at time the study was undertaken.
- d. Date(s) at the time the information was provided.
- e. Birthdate.
- f. Disease type (if applicable).

(1) Non-medical Records: Write to the System Manager and provide identity verification consisting of either a notarization of the request or a certification that the individual is who he or she claims to be, and understands that the knowing and willful request for acquisition of a record pertaining to the individual under false pretenses is a criminal offense under the Act, subject to \$5,000 fine.

(2) Medical Records: (45 CFR, Part 5B.6). Individuals seeking notification of or access to medical records should designate a representative (including address) who may be a physician, other health professional, or other responsible individual who would be willing to review the record and inform the subject individual of its contents, at the representative's discretion.

Medical records notification procedures are in accordance with Department Regulations (45 CFR Part 5b.6).

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requestors should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Write to system manager at the address above and the record, specify the information being contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

HEW agencies, institutions under contract to the U.S. Government, universities, medical schools, hospitals, research institutions, commercial institutions, state agencies, other U.S. Government agencies, patients and blood donors, physicians, research investigators and other collaborating personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 80-12847 Filed 4-25-80; 9:45 am]

BILLING CODE 4110-06-M

DEPARTMENT OF THE INTERIOR**National Park Service****Antietam National Battlefield
Washington County, Md., Boundary
Map**

There is hereby published a boundary map which details the land which is being added to the Antietam National Battlefield, pursuant to Public Law 95-625, Section 319.

Dated: April 10, 1980.

Robert Stanton,
Regional Director, National Capital Region.

BILLING CODE 4310-70-M

Big Thicket National Preserve; Plan of Operations for the Purpose of Pipeline Construction

Notice is hereby given, pursuant to 38 CFR 9.52(b), of the availability for comment and review of a Plan of Operations submitted by United Texas Transmission Company for the purpose of pipeline construction involving the widening of an existing easement in Big Thicket National Preserve. Copies of the plan are available for review during normal business hours at Big Thicket National Preserve, 6725 Eastex Freeway, Beaumont, Texas; and Southwest Regional Office, P.O. Box 728, Santa Fe, New Mexico 87501. Comments received by May 21, 1980 will become part of the official record. An environmental assessment of the Plan of Operations is under development and will be made available for comment and review at a later date. For further information contact the Superintendent of Big Thicket National Preserve, (713) 838-0271, extension 373.

Thomas E. Lubbert,
Superintendent.

[FR Doc. 80-12930 Filed 4-25-80; 8:45 am]
BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures of Recovery of Fuel costs; Decision

Decided April 22, 1980.

In our decisions of April 8 and 15, 1980, a 13.5-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.5 percent. Accordingly, we are authorizing that the 13.5-percent surcharge for this traffic remain in effect. All owner-operators are to receive compensation at the 13.5-percent level. No change will be made in the existing authorization of a 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner-operators, the 5.0-percent surcharge for the bus carriers, nor the 1.3-percent surcharge for United Parcel Service.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the

Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register for publication.

It is ordered:

This decision shall become effective Friday 12:01 a.m. April 25, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis. Commissioner Stafford dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

(Commissioner Stafford, dissenting in part)

I would limit the owner-operator/truckload surcharge to 13 percent.

Appendix.—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax)			
January 1, 1979			
63.5¢			
Date of Current Price Measurement and Price Per Gallon (Including Tax)			
April 21, 1980			
114.2¢			
Average Percent Fuel Expenses (Including Taxes) of Total Revenue			
(1) From transportation performed by owner- operators (Apply to all truckload rated traffic)	(2) Other (Including less than truckload traffic)	(3) Bus carriers	(4) UPS
16.9%	2.9%	6.3%	3.3%
Percent surcharge developed			
13.5%	2.3%	5.0%	*2.1%
Percent surcharge allowed			
13.5%	2.3%	5.0%	*1.3%

*The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to the UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

*The percentage surcharge derived is reduced 0.8 percent to reflect fuel-related increases included in UPS rates.

[FR Doc. 80-12864 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-61-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the

protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. F-21]

The following applications were filed in Region I. Send protests to Regional Authority Center, Interstate Commerce Commission, 150 Causway St., Rm. 501, Boston, MA 02114.

MC 146440 (Sub-1-12TA), filed April 18, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *Textiles*, from points in RI and from points in MA, on or east of Route Number 13 and from points in NH, on or south of U.S. Route Number 4, to Charlotte, NC. Supporting shipper: Minnesota Fabrics, Inc., P.O. Box 32606, Charlotte, NC 28232.

150601 (Sub-1-1TA), filed April 18, 1980. Applicant: McBURNEY TRANSPORT LIMITED, P.O. Box 427, Hagersville, Ontario, CD N0A 1H0. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Contract carrier, irregular routes, *Peat moss, marble chips, bark, humus, decorative stone, kitty-litter, processed manure, dehydrated hay manure, manure, dried or dehydrated bagged, soil, potting soil and assorted horticultural products*, between ports of entry on the International Boundary Line between the US and CD on the one hand, and, on

the other, all points in the US except HI. Supporting shippers: J. B. Ogilvie, Inc., Caledonia, CD; Glenn D. Ogilvie Ltd., Caledonia, CD; Life Horticultural Prod., Caledonia, CD.

MC 99455 (Sub-1-1TA), filed April 18, 1980. Applicant: M. H. HILLERY, INC., 100 Western Avenue, Allston, Massachusetts 02134. Representative: Ronald N. Cobert, Esquire, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. *Footwear*, from Boston, MA, to the facilities utilized by Keds Corporation at Beacon Falls, Naugatuck and Waterbury, CT. Supporting shipper: Keds Corporation, Boston, MA.

MC 150543 (Sub-1-1TA), filed April 17, 1980. Applicant: HOLTRACHEM, INC., 209 West Central St., Natick, MA 01760. Representative: Herbert G. Roskind, Jr., 209 West Central St., Natick, MA 01760. Contract, Irregular, *Hydrogen peroxide, liquid in bulk, in tank vehicles*, from Charlotte, NC to points in the United States east of the Mississippi River. Supporting shipper: Interox America, P.O. Box 27328, Houston, TX 77027

MC 111729 (Sub-1-4TA), filed April 17, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11042. Representative: Elizabeth L. Henoch (same address as Applicant). *Books, restricted against the transportation of packages weighing in excess of 350 pounds*, (1) From Seattle, WA to points in OR and WA; (2) From Portland, OR to points in OR. Supporting shipper: Ingram Book Company, Nashville, TN 37217

MC 150593 (Sub-1-1), filed April 17, 1980. Applicant: GEORGE WILLIAM DUFFY, d.b.a., GEORGE DUFFY HAULAGE, 189 King Street, East, Bolton, Ontario, Canada LOP 1A0. Representative: Robert D. Gunderman, Esq., 710 Statler Building, Buffalo, NY 14202. *Contract carrier*, irregular routes: *Brick, Building Block, Tile, and Cement in Bags on vehicles equipped with mechanical self unloading devices*, from ports of entry on the International Boundary line between the US and CD in NY and MI to points in NY and MI, restricted to the transportation of traffic transported under a continuing contract or contracts with Canada Building Materials Company, Toronto, Ontario, CD. Supporting shipper: Canda Building Materials Company, 55 Industrial Street, Toronto, Ontario, CD M4G 3W9.

MC 150594 (Sub-1-1TA), filed April 17, 1980. Applicant: DORAY, INC., 61 New Jersey Avenue, Bergenfield, New Jersey 07621. Representative: Allan P. Browne, Esq., 235 Closter Dock Road, Closter, N.J. 07624. Contract carrier: irregular

routes: Refined coconut oil, from Bayonne Industries, Bayonne, New Jersey to Philadelphia, Pa. for Granex, Inc., San Francisco, Ca. Supporting shipper: Granex Corporation, USA, 1301 Army Street, San Francisco, CA 94124.

MC 116858 (Sub-1-1TA), filed April 17, 1980. Applicant: J & M CARRIERS CORP., 43-06 54th Road, Maspeth, NY 11378. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Contract carrier: irregular routes: Such commodities as are dealt in by persons in the business of marketing petroleum products, and materials, supplies and equipment used in the conduct of such business (except in bulk), from the facilities of Mobil Oil Corporation in Brooklyn, NY to points in Fairfield County, CT; Hudson, Bergen, Monmouth, Mercer, Union, Somerset, Essex, Middlesex, Hunterdon, Sussex, Warren, Morris and Passaic Counties, NJ, Orange, Rockland, Westchester, Nassau and Suffolk Counties, NY. Supporting shipper(s): Mobile Oil Corporation, 150 E. 42nd Street, New York, NY 10017

MC 150585 (Sub-1-1TA), filed April 17, 1980. Applicant: AMERICAN PRIORITY ENTERPRISES, INC., 408 E. Elizabeth Avenue, Linden, NJ 07601. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier*, irregular routes: *Drugs, medicines, pharmaceuticals, dental and hospital supplies, store displays, printed and unprinted matter, stomaheisive products and returned merchandise*, between the facilities and divisions of E. R. Squibb & Sons, Inc., located at or near Morrow, GA, Rolling Meadows, IL., Sharonville, OH, Houston, TX, Mission, KS, La Mirado and Los Angeles, CA, Bridgewater, New Brunswick and Somerset, NJ, Eastgate, WA, Michigan City, IN, Savage, MD, Durham, Kenly and Greensboro, NC and Smithtown, NY, on the one hand, and, on the other, points in the US except AK and HI under a continuing contract(s) with E.R. Squibb & Sons, Inc. Supporting shipper: E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, NJ 08903.

MC 124705 (Sub-1-1TA), filed April 15, 1980. Applicant: SWAN MESSENGER SERVICE, INC., P.O. Box 2042, Princeton, NJ 08540. Representative: Harold G. Hernly, Jr., 110 South Columbus Street, Alexandria, VA 22314. *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, cash letters, articles of unusual value, radio pharmaceuticals and medical isotopes and exposed and

processed film and prints), between Washington, DC and Laurel, MD and points in their commercial zones and points in Middlesex and Burlington Counties in NJ, restriction against the transportation of: (1) any packages weighing more than 250 pounds each, and (2) of packages weighing in the aggregate more than 5000 pounds from, one consignor to one consignee on any one day. Supporting shippers: Warner, Electra, Atlanta, Mt. Laurel, NJ; Avery Label, N. Brunswick, NJ; Chemco, Piscataway, NJ; NCH Corp., Irving, TX; Carter-Wallace, Cranbury, NJ.

MC 100327 (Sub-1-1TA), filed April 16, 1980. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Passengers and their baggage*, in special operations between Hartford and West Hartford, CT, on the one hand, and, on the other, John F. Kennedy International Airport and LaGuardia Airport located in New York, NY, and Newark Airport at Newark, NJ. Three are 17 supporting people to this application.

MC 100327 (Sub-1-2TA), filed April 16, 1980. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *Passengers, in special operations, beginning and ending at points in East Longmeadow, MA. and extending to the plant and facilities of Combustion Engineering, Inc. at or near Windsor, CT. Supporting shipper: Combustion Engineering, Inc. of Windsor, CT 06095.*

MC 102676 (Sub-1-1TA), filed April 10, 1980. Applicant: FOX BUS LINES, INC., P.O. Box 1042, Worcester, MA 01613. Representative: David M. Marshall, Marshall and Marshall, 101 State Street, Springfield, MA 01103. *Passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Worcester, MA and points in Worcester County, MA south of U.S. Route 9, and extending to points in the United States (except AK and HI). There are 10 supporting people for this application.*

MC 150575 (Sub-1-3TA), filed April 15, 1980. Applicant: RELCO SYSTEMS, INC., 7310 Chestnut Ridge Road, Lockport, NY 14094. Representative: George V. C. Muscato, Attorney at Law, 188 East Avenue, Lockport, NY 14094. *Contract carrier: Irregular routes: (1) those commodities manufactured and/or distributed by Sherwood Selpac, (brass*

valves and cocks and/or parts thereof; iron or steel bungs or plugs without gaskets); (2) *materials, supplies and equipment used in the manufacture, production, packaging, sale or distribution of such commodities*, (1) from the facilities of Sherwood Selpac located in Lockport, NY to points in AL, GA, IL, IN, MI, OH, PA and TN; (2) from points in AL, GA, IL, IN, MI, OH, PA and TN to the facilities of Sherwood Selpac located in Lockport, NY. Supporting shipper: Sherwood Selpac Corp. Lockport, NY.

MC 118803 (Sub-1-2TA), filed April 14, 1980. Applicant: ATLANTIC TRUCK LINES, INC., 168 Town Line Road, Kings Park NY 11754. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier: irregular routes: such commodities as are dealt in or used by a manufacturer and distributor of photographic products (except in bulk)*, between Glen Cove, NY, on the one hand, and, on the other, Atlanta, GA, Ft. Lauderdale, FL, Dallas, TX, Chicago, IL, Long Beach and Berkeley, CA, Norman, OK, Decatur and Muscle Shoals, AL, Pulaski, NY, Holyoke, MA and Kingsport, TN. Supporting shipper(s): Chemco Photoproducts Company, Division of Powers Chemco, Inc., Charles Street, Glen Cove, NY 11542.

MC 150559 (Sub-1-1TA), filed April 14, 1980. Applicant: EMERSON EXPRESS CO, Inc., 545 Lyell Avenue, Rochester, NY 14606. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580. *Charcoal, charcoal briquets, motor oil, antifreeze, empty paper bags, ground clay in bags*, in straight or mixed shipments, from Rochester, NY to points in CT, MA, NJ, OH, PA, VA, and those points in New York, NY commercial zone as defined by the I.C.C., also those in Suffolk and Nassau Counties, NY; Brookville, PA to NJ and NY; Ellsmore, MO to FL, NJ, NY, OH, PA, VA; Parsons, WV to Rochester, NY and points in Erie County, NY; McKees Rocks, PA to Rochester, NY; Bayonne, NJ to Rochester, NY; Louisville, KY to Rochester, NY and Ellsmore, MO; Attapulgus, GA and Quality, GA to Rochester, NY and E. Bethany NY; Oil City, Pa to Rochester, NY. Supporting shipper: Eastern Charcoal Co., Inc., of Rochester, NY 14606.

MC 145981 (Sub-1-3), filed April 14, 1980. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Ave., South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Wine, wine products, and malt beverages (except in bulk), and materials, equipment, and supplies used in the manufacture and sale of wine,*

wine products, and malt beverages (except in bulk), between points in NJ and the New York, NY commercial zone, on the one hand, and, on the other, points in CA, FL, IL, NJ, NY, PA, TX, GA, and MA. Supporting shipper(s): Paterno Imports, Ltd., and Pacific Wine Company, 2701 South Western Ave., Chicago, IL 60608.

MC 111729 (Sub-1-3TA), filed April 10, 1980. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11042. Representative: Elizabeth L. Henoeh (same address as applicant). *Business papers, records, audit and accounting media of all kinds*, between Richmond, VA, on the one hand, and, on the other, Lexington and Louisville, KY; Canton, OH; Chattanooga, Knoxville and Nashville, TN. Supporting shipper: Wards Co., Inc., 2040 Thalbro Street, Richmond, VA.

MC 150547 (Sub-1-1TA), filed April 14, 1980. Applicant: HUDSON ARMORED CAR & COURIER SERVICE, INC., 2 LaGrange Avenue, Poughkeepsie, NY 12601. Representative: Piken & Piken, Esqs., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Authority sought: contract carrier, over irregular routes. Checks, cash letters, interbank advices and correspondence and miscellaneous banking media, including but not limited to paper, tab cards or film Between: New York, NY and Philadelphia, PA on the one hand, and on the other, points in the states of CT, NJ and NY. Supporting shipper: Philadelphia National Bank, Box 7618, Philadelphia, PA 19101.

MC 133841 (Sub-1-4TA), filed April 15, 1980. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main Street, Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Machinery and Cable*, Between the ports of New York, NY; Baltimore, MD; New Orleans, LA; Houston, TX; and Philadelphia, PA, on the one hand, and, on the other, Los Alamos, NM; Des Moines, IA; Boise, ID; Elizabethtown, KY; San Francisco, CA; and Watkinsville, GA; and (2) *Empty Cable Reels*, From points in the US (except AK and HI), To Marion, IN. Supporting shipper(s): Anaconda Wire & Cable Co., 6 Park Plaza, Greenwich, CT 06860.

MC 144428 (Sub-1-2TA), filed April 15, 1980. Applicant: TRUCKADYNE, INC., Route 16, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant). *Contract, Irregular. Such commodities as are dealt in by manufacturers and distributors of dry cell batteries, lanterns, flashlights, lighting fixtures, materials, equipment*

and supplies used in the manufacture, packaging, processing and distribution of such commodities (except commodities in bulk), Between the facilities of Ray-O-Vac Corp. located in WI, OH, PA, MA, NC, IL, NJ, GA, TN, TX, CA, OR, MO and points in the Continental United States. Supporting shipper: Ray-O-Vac Corp. of Madison, WI.

MC 120799 (Sub-1-1TA), filed April 14, 1980. Applicant: COLONIAL TRUCKING, INC., 38 May Avenue, Brockton, MA 02401. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403. (A) *General commodities (except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* (1) From points in ME, NH and VT to the facilities of E & J Consolidating, Inc. at Boston, MA (2) From points in ME, NH and VT to the facilities of A & D Terminals, Inc. at Boston, MA (3) From the facilities utilized by S & H Promotional Services, Division of Sperry & Hutchinson Co. at Boston, MA to points in ME, NH and VT (B) *Wearing apparel and supplies used in the distribution and sale of wearing apparel* (1) From the facilities utilized by K mart Apparel Corp. at Boston, MA to points in ME, NH and VT. Supporting shipper: There are 23 supporting shippers.

MC 150159 (Sub-1-1TA), filed April 15, 1980. Applicant: WILNER'S LIVERY SERVICE, INC., 1421 Witherspoon Street, Rahway, NJ 07065. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 06904. *Passengers and their baggage, in special operations, in non-scheduled door-to-door service of not more than six (6) passengers in any one vehicle, not including driver, between points in Middlesex, Somerset, and Union Counties, NJ, on the one hand, and, on the other, John F. Kennedy International and LaGuardia Airports, NY, and Philadelphia International Airport, Philadelphia, PA, for 180 days.* Supporting shippers Hanson Industries, Inc., 23 Wood Avenue South, Iselin, NJ, Edison Travel, Inc., Edison Colonial Village Rte 27, Edison, NJ, Travelong, Inc., 1478 Morris Avenue, Union, NJ, Bridgewater Travel Service, Inc., 1948 Washington Alley Road, Martinsville, NJ, and Ethicon, Inc., Somerville, NJ.

MC 144189 (Sub-1-2TA), filed April 14, 1980. Applicant: CORPORATE TRANSPORT, INC., 107 7th North Street, Liverpool, NY 13088. Representative: John L. Alfano, Esq., (Alfano & Alfano, P.C.), 550 Mamaroneck Avenue, Harrison, NY

10528. *contract carrier*: irregular routes: *Paper Bottle and/or Can Carrying Cartons not Corrugated KDF*, between Cincinnati, OH, on the one hand, and, on the other, Baltimore, MD; Dayville, CT; Fulton, NY; Mansfield, MA; New York, NY; Philadelphia, PA; Salem, NJ; and Syracuse, NY and their commercial zones, *Restricted* to a transportation service to be performed under a continuing contract(s) with Olinkraft, Inc. of West Monroe, LA. Supporting shipper: Olinkraft, Inc., P.O. Box 488, West Monroe, LA 71291.

MC 143846 (Sub-1-1TA), filed April 14, 1980. Applicant: MISSION TRANSPORT, INC., 50 Van Keuren Avenue, Jersey City, NJ 07308. Representative: Piken & Piken, Esqs., Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374. Contract, Irregular *Department store merchandise*, (1) Between points in MD, MA, NJ, NY, and PA, on the one hand, and, on the other, AL, CT, FL, GA, IL, IN, KY, MI, NC, SC, TN, WV and VA, and (2) Between points in NJ and NY, on the one hand, and, on the other, points in ME, NH and VT, under a continuing contract or contracts with Montgomery Ward & Co, Inc., their subsidiaries and affiliates. Supporting shipper: Montgomery Ward & Co, Inc. of Chicago, IL 60671.

MC 146440 (Sub-1-10TA), filed April 15, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *Textiles*, from the plantsite of Buckley & Mann at or near Norfolk, MA to points in NC, SC, GA and MS. Supporting shipper: Buckley & Mann, Inc. of Franklin, MA 02038.

MC 143254 (Sub-1-1TA), filed April 15, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. Contract, Irregular *Stone, as a building material*, from Chelmsford, MA to Denver, CO. Supporting shipper: H. E. Fletcher Company, of W. Chelmsford, MA.

MC 146440 (Sub-1-11TA), filed April 15, 1980. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, MA 02167. Representative: Alan Bernson, Suite 32, 34 Market Street, Everett, MA 02148. *Polymeric products*, from the facilities of Tucker Housewares at Leominster, MA to points in AR, FL, KS, KY, MD, MO, NC, OH, OK, PA, VA, WV, and WI. *Restricted* against the transportation of commodities in bulk. Supporting shipper: Tucker Housewares, Leominster, MA.

MC 147524 (Sub-1-1TA), filed March 11, 1980. Applicant: SINED LEASING, INC., 108 High Street, Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, Esquire, White and Williams, 17th Floor, 1234 Market Street, Philadelphia, PA 19107. Contract, Irregular *Products derived from corn and blends containing products derived from corn, in bulk*, from Clinton, IA, Lexington, NC, Frazier, PA, Chicago, IL, Montezuma, NY to: Points in WI, IL, MI, IN, OH, PA, NY, NJ, CT, RI, MA, NH, VT, DE, MD, VA, DC, WV, NC, SC, GA, KY, FL, and TN. Supporting shipper: Clinton Corn Processing Company of Clinton, IA.

MC 150560 (Sub-1-1TA), filed April 14, 1980. Applicant: EFFICIENCY ENTERPRISES, INC., 19-18 42nd Street, Astoria, New York 11105. Representative: Schreiber Tunick & Mac-Knight, 375 Park Avenue, New York, NY 10022. Contract, Irregular *Liquor, wine and other alcoholic beverages*, Between the state of NJ and Astoria, Smithtown and Monsey, NY. Supporting shipper: Charmer Industries, Inc. of Astoria, NY.

MC 139349 (Sub-1-3TA), filed April 14, 1980. Applicant: E Z FREIGHT LINES, 70 Gould Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract carrier: irregular routes: *Such merchandise as dealt in by discount department stores* between New York Commercial Zone, on the one hand, and, on the other Howard Bros. Distribution Center, Monroe, LA, under a continuing contract with Howard Bros. Discount Stores, Inc. Supporting shipper: Howard Bros. Discount Stores, Inc., Monroe, LA 71201.

MC 150359 (Sub-1-1TA), filed April 11, 1980. Applicant: E-TRONIC TRANSPORT AND LEASING, INC., 435 Highland Street, East Bridgewater, MA. Representative: A. Joseph Mega, 175 Forbes Street, East Providence, RI 02915. Contract carrier: Irregular routes: (1) *Instrument control panels*, from Canton, MA, to points in the US, except MT; and (2) *raw materials used in the manufacture of instrument control panels*, from all points in the United States, except MT, to Canton, MA. Restriction: The shipments are restricted to a transportation service to be provided under a continuing contract or contracts with Emanon Company, Inc., of Canton, MA. Supporting shipper: Emanon Co., Canton, MA.

No. MC 150451 (Sub-1-1TA), filed April 14, 1980. Applicant: G & L TRANSPORT, Route 9, Troy, ME 04987. Representative: George Cole (same as applicant). Contract Carrier: Irregular

routes: *Manufactured Wood Products*, from Skowhegan, ME to all points in the U.S., except AK and HI, under a bilateral contract with Solon Manufacturing Co. Inc., of Solon, ME 04979. Supporting shipper: Solon Mfg. Co., Solon, ME 04979.

MC 119090 (Sub-1-1TA), filed April 14, 1980. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 567, 15 White Lake Road, Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. *Paper and Paper Products*, Between points in CT, DE, ME, MD, MA, NH, NJ, VT, NY, OH, PA, RI, VA, WV, and DC, Supporting shipper(s): Giove Co., Inc., 108-20-180th St., Jamaica, NY 11433; Ash Trading Corp., P.O. Box 908, Albany, NY 12201; Gaccione Bros. & Co., Inc., Page Ave. and Schuyler Ave., Lyndhurst, NJ 07071; Roselle Paper Co., Inc., 615 East First Ave., Roselle, NJ 07203; Rivsec Waste Paper Co., Inc., 510 East 35th St., Paterson, NJ 07504; and Simon Miller Sales Company, 1218 Chestnut St., Philadelphia, PA 19107, and Great Eastern Packing & Paper Stock Corp., 615 First Ave., Roselle, NJ 07203.

MC 136342 (Sub-1-1TA), filed April 11, 1980. Applicant: JACKSON AND JOHNSON, INC., Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice PK, Webster, NY 14580. Contract carrier, over irregular routes, *Paper and paper products; materials, supplies and equipment used in the distribution thereof*; in straight or mixed shipments, between the facilities of National Envelope Corporation at Worcester, MA; on the one hand, and, all points in NJ and NY on the other. Supporting shipper: National Envelope Corporation, 207 Greenwood Street, Worcester, MA 01607.

MC 143533 (Sub-1-1TA), filed April 11, 1980. Applicant: CONTINENTAL TRANSPORT SYSTEMS, INC., P.O. Box 236, Versailles, Conn 06383. Representative: Ronald I. Shapss, Esq., 450 Seventh Avenue, New York, N.Y. 10001. Contract carrier over irregular routes transporting *brick, cinder and concrete block, profile block, prestressed concrete*, concrete products and materials and supplies used in the manufacture and distribution of the above named items. Between the facilities of Plasticrete Inc. of North Haven, Connecticut, on the one hand, and, on the other, points and places in NH, VT, ME, MA, CT, RI, NY, PA, WI, and MN. Supporting shipper: Plasticrete Block & Supply Corp., 99 Stoddard Avenue, North Haven, CT.

MC 114896 (Sub-1-4TA), filed April 11, 1980. Applicant: PUROLATOR ARMORED, INC., 255 Old New

Brunswick Road, Piscataway, NJ 08854. Representative: Carl T. Kessler (same address as applicant). *Contract carrier: irregular routes: Precious metals; between Newark, NJ, New Bedford, MA and Waltham, MA. Supporting shipper: Polaroid Corporation, 140 Kendrick Street, Needham Heights, MA 02194.*

MC 148387 (Sub-1-2TA), filed April 14, 1980. Applicant: S.M.P. INC., 166 Sitgreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. *Pipe, pipe fittings, and materials, equipment, and supplies used in the manufacture and sale of pipe and pipe fittings, between the facilities of Atlantic States Cast Iron Pipe Co., located at or near Phillipsburg, NJ, on the one hand, and, on the other, points in DE, MD, WV and DC. Supporting shipper(s): Atlantic States Cast Iron Pipe Co., 183 Sitgreaves St., Phillipsburg, NJ 08865.*

MC 150546 (Sub-1TA), filed April 11, 1980. Applicant: S-J TRANSPORTATION CO., E. Millbrooke Avenue, P.O. Box 91, Woodstown, NJ 08098. Representative: S. H. Jones, Jr., (same address as applicant). *Waste materials—Hazardous & Non-hazardous, from, to or between all points in the following states: AL, AR, CT, FL, GA, IL, KY, LA, MO, ME, MA, NC, OR, RI, SC, TN, TX, VA, WV, WI, MD, MI, MS, NH, NJ, DE, NY, IN, PA, VT, DC. Supporting shipper: I.U. Conversion Systems, 115 Gibraltar Road, Horsham, PA 19044.*

MC 150542 (Sub-1-1TA), filed April 10, 1980. Applicant: RIDGEFIELD PARK TRANSPORT CO., INC., 106 Teaneck Road, Ridgefield Park, NJ 07660. Attorney: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. *Contract Carrier: Irregular Routes: Empty containers, lids/ends for empty containers and materials, supplies and equipment used in the manufacture, distribution and sale of empty containers, lids/ends and soft drink products, Between points in MI, on the one hand, and, on the other, points in AR, CA, IL, IN, NJ, NY, OH, PA, TX, and WV Supporting shipper(s): Pepsi-Cola Metropolitan Bottling Co., Diversified Containers, Inc., Anderson Hill Rd., Purchase, NY 10577*

MC 124373 (Sub-1-1TA), filed April 14, 1980. Applicant: NELMAR TRUCKING CO., 273 Paterson Ave., E. Rutherford, N.J. 07073. Representative: E. Stephen Heisley, 666 11th St., NW., Washington, DC 20001. *Contract Carrier; irregular route; (1) Such commodities, materials, equipment and supplies as are dealt in, used by or sold in wholesale and retail discount and department stores, except commodities in bulk between*

Manchester N.H., Dedham, Danvers, Cambridge, Framingham, Woburn, Wilmington and Springfield, Mass., on the one hand, and on the other, points in MD, DE, PA, NJ, NY, CT, MA and NH. Supporting shipper: Lechmere Sales Company, 275 Wildwood St., Woburn, Mass. 01888.

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 138115 (Sub-II-1TA), filed April 10, 1980. Applicant: FRANK D. CORBIN, d.b.a. F. D. CORBIN MOTOR EXPRESS, Box 57, Lemar Rd., Lemasters, PA 17231. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract, irregular: Business forms, computer tapes, off-track betting tickets, lottery tickets, carbon paper, tissue paper, materials and supplies (except in bulk) used in the manufacture thereof, between Chambersburg, PA, and its commercial zone on the one hand, and, on the other, points in MS, AR, MO, LA, TX, KS, AL, CO, NM, and AZ. An underlying ETA seeks 90 days authority. Supporting shipper: Arnold Graphics, Inc., Hood & Commerce Sts., Chambersburg, PA 17201.*

MC 142559 (Sub-II-12TA), filed April 11, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *General Commodities (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) moving on freight forwarder's Bills of Lading, between points in CA on the one hand, and, on the other, points in and East of MN, IA, MO, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: ABC-Trans National Transport, 2000 S. Santa Cruz St., Anaheim, CA 92805.*

MC 72069 (Sub-II-3TA), filed April 11, 1980. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005. *Frozen foodstuffs, from Sussex County, DE; and Ridgely and Trappe, MD, to points in AL, AR, CT, DE, FL, GA, KS, KY, IL, IN, IA, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI. An underlying ETA seeks 90 days authority. Supporting shippers: J. G. Townsend, Jr. & Co., Saulsbury Bros., Inc., Draper King-Cole, Inc., Paris Foods Corp., Del Agra, Inc.*

MC 112430 (Sub-2-1TA), filed April 10, 1980. Applicant: BIG BOY'S RIGGING SERVICE, INC., 4312 Pistorio Rd., Baltimore, MD 21229. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. *Machinery, fabricated steel products and metal castings, between Baltimore, MD and points in its commercial zone, on the one hand, and, and the other, points in DE, DC, NJ, NY NC, PA, VA and WV There are eleven supporting shippers whose statements may be examined at the I.C.C. Regional Offices in Philadelphia, PA.*

MC 1444434 (Sub-II-1TA), filed April 11, 1980. Applicant: APOLLO TRUCKING, INC., 2712 Bertwynn Dr., Dayton, OH 45439. Representative: E. H. van Deusen, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. (1) *Corn gluten meal, and corn gluten feed, in bulk, in dump vehicles, from the facilities of Cargill, Inc., at or near Dayton, OH, to points in DE, MD, PA and VA; and (2) Coal, in bulk, in dump vehicles, from points in KY and WV to the facilities of Cargill, Inc., at or near Dayton, OH. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill, Inc., 3201 Needmore Rd., Dayton, OH 45414.*

MC 147708 (Sub-2-2TA), filed April 10, 1980. Applicant: AIWF TRANSPORTATION CORPORATION, Route 30, Exton, PA 19341. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract: Irregular: Furniture and household appliances, from points in the US (except AK, HI and PA) to Philadelphia, PA. Restriction: Restricted to traffic destined to the facilities utilized by Associated Warehouse Corp. and further restricted to a transportation service to be performed under a continuing contract(s) with Associated Warehouse Corp., for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper: Associated Warehouse Corp., 4250 W. Wissahickon, Philadelphia, PA 19129.*

MC 147708 (Sub-2-1TA), filed April 10, 1980. Applicant: AIWF TRANSPORTATION CORPORATION, Route 30, Exton, PA 19341. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract: Irregular: Toys, games, sporting goods, baby furniture and bicycles, from points in the US (except AK and HI) to Cleveland, OH; Baltimore, MD; Platea, PA; Atlanta, GA; and Fort Lauderdale, FL. Restriction: Restricted to traffic destined to the facilities utilized by Lionel Leisure and further restricted to a transportation service to be performed under a continuing contract(s) with Lionel Leisure, for 180 days. Underlying*

ETA seeks 90 days authority. Supporting shipper: Lionel Leisure, 2951 Grant Ave., Philadelphia, PA 19114.

MC 118899 (Sub-II-5TA), filed April 14, 1980. Applicant: BALTIMORE TANK LINES, INC., 108 Eighth Ave., Glen Burnie, MD 21061. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St., N.W., Washington, D.C. 20004. *Petroleum and petroleum products, in bulk, in tank vehicles*, from Washington, DC, to points in MD; Alexandria, VA; and points in Arlington, Fairfax, Prince William, Loudoun, Fauquier, Stafford, Shenandoah, Rockingham, Culpeper, Clarke, Frederick, Warren, Page, Madison, Greene, Orange, Spotsylvania, Caroline, and King George Counties, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: B-P Oil Corporation, P.O. Box 58, Exton, PA 19341; and "U" Save Oil, Inc., 1900 Bladensburg Rd., N.E., Washington, DC 20002.

MC 138438 (Sub-II-5TA), filed April 14, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Cranes, machinery, machinery parts, and materials and supplies used in the manufacture and distribution thereof*, between all points in and east of WI, IA, MO, TN and MS, restricted to the transportation of shipments originating at or destined to facilities of Grove Manufacturing, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grove Manufacturing, Inc., P.O. Box 21, Shady Grove, PA 17256.

Note.—Dual operations may be involved.

MC 150568 (Sub-II-1TA), filed April 14, 1980. Applicant: CASE CARRIAGE CO., 715 South Sugar St., Celina, OH 45822. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in by manufacturers or distributors of meat, meat products, meat byproducts, meat packing house products, cheese and cheese products, except commodities in bulk*, between Chicago, IL; Auburn, IN; Fort Wayne, IN; Cynthiana, KY; Kalamazoo, MI; Hillsdale County, MI; Fremont, OH; Palmyra, PA; El Paso, TX; and Houston, TX on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks 90 days authority. Restriction: Under continuing contracts with Peter Eckrich & Sons, Inc. Supporting shipper(s): Peter Eckrich & Sons, Inc., P.O. Box 388, Ft. Wayne, IN 46801.

MC 21866 (Sub-2-7TA), filed April 10, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, 100 S. Broad St., Philadelphia, PA 19110. *Industrial fasteners, automotive parts and materials, equipment and supplies used in the equipment maintenance and automotive parts industries (except commodities in bulk)*, (1) From Elizabethtown, KY to Petersburg, VA. (2) From Union, NJ to Elizabethtown, KY, for 180 days. An underlying ETA seeks 90 days authority. Restriction: The service authorized herein is restricted to the transportation of traffic originating at and destined to the facilities of Bowman Distribution Division, Barnes Group, Inc. Supporting shipper(s): Bowman Distribution Division, Barnes Group, Inc., 850 E. 72nd St., Cleveland, OH 44103.

MC 15022 (Sub-2-1TA), filed April 9, 1980. Applicant: VIRGINIA ELECTRIC COMPANY, a corporation, d.b.a. VIRGINIA POWER TRANSPORT, 6333 Emerson Ave., Parkersburg, WV 26101. Representative: John Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Wood fencing, posts, hardware and material used in the manufacture and installation of wood fencing*, between Buckhannon, WV on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, ME, MI, MS, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) J. D. Hingel & Sons, Inc., P.O. Box 700, Buckhannon, WV 26201.

MC 1743 (Sub-2-1TA), filed April 10, 1980. Applicant: WICKER TRUCKING, INC., 311 Porter Ave., Scottdale, PA 15683. Representative: Arthur Diskin, 808 Frick Bldg., Pittsburgh, PA 15219. *Iron and steel articles, electric power transformers, machinery, and foundry supplies*, from points in OH and WV to Scottdale, PA, for 180 days. Supporting shipper(s): Duraloy Blaw-Knox, Bride St., Scottdale, PA 15683; Fayette Steel Co., Mt. Pleasant Rd., Scottdale, PA 15683; and Modulus Corp., 1000 Modulus Rd., Mt. Pleasant, PA 15666.

MC 113666 (Sub-II-6TA), filed April 7, 1980. Applicant: FREEDPORT TRANSPORT, INC., P.O. Drawer A, Freeport, PA 16229. Representative: D. R. Smetanick, VP (same address as above). *Zinc, zinc dross and materials, equipment and supplies used in the production of zinc and zinc dross* between Braddock, PA and East Liverpool, OH, on the one hand, and on the other, points in the US (except AK and HI), for 180 days. Supporting

shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222.

MC 146111 (Sub-II-1TA), filed April 7, 1980. Applicant: INDUSTRIAL TRANSPORT, INC., 11910 Harvard Ave., Cleveland, OH 44105. Representative: Brian S. Stern, 2425 Wilson Blvd., Suite 367, Arlington, VA 22201. *Aluminum and aluminum articles* from the facilities of Kaiser Aluminum & Chemical Corporation at or near Heath (near Newark), OH, to Ravenswood, WV for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 9700 South Harlem, Bridgeview, IL 60455.

MC 13134 (Sub-2-6TA), filed April 7, 1980. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Iron and steel articles*, between points in the US (except AK and HI). Restricted to traffic originating at or destined to the facilities used by Spencer Steel Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Spencer Steel Corporation, 400 Spencer St. Syracuse, NY 13204.

MC 66140 (Sub-II-2TA), filed April 7, 1980. Applicant: FLOCK MOTOR LINES, INC., 3040 Waterview Ave., Baltimore, MD 21230. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Sugar* (except in bulk), from the facilities of Amstar Corporation at Brooklyn, NY to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amstar Corporation, 1251 Avenue of Americas, New York, NY 10020.

MC 146423 (Sub-II-2TA), filed April 7, 1980. Applicant: STEPHEN HROBUCKAK, d.b.a. TRANS-CONTINENTAL REFRIGERATED LINES, Route 502, P.O. Box 1465, Scranton, PA 18503. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Venetian blinds, parts, materials, supplies, and equipment used in the manufacture of venetian blinds* (except commodities in bulk and those requiring special equipment) between the facilities of Marathon Carey McFall in Clinton, Lycoming, Montour and Union Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK, HI, PA), for 180 days. Supporting shipper(s): Marathon Carey McFall Co., P.O. Box 99, Montoursville, PA 17754.

MC 144188 (Sub-II-5TA), filed April 7, 1980. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. (1) *Games, toys and accessories for swimming pools* and (2) *materials*,

equipment and supplies used in the production of commodities at (1) above, between the facilities of Aquality, Inc., at Bloomsburg, PA and Maryland Heights, MO, Indianapolis, IN and points in MA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Aquality, Inc., P.O. Box 60, Magee Industrial Park, Bloomsburg, PA 17815.

MC 57591 (Sub-II-1TA), filed March 26, 1980. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as above). *Paper, paper products, machinery equipment and supplies used in the manufacture of paper and paper products*, between the facilities of Packaging Corp. of America at Northampton, MA; Lockport and Syracuse, NY; Stroudsburg, Trexlertown, Lancaster, PA; Baltimore, MD; Garfield, NJ; and Harrisonburg, VA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC, for 180 days. Supporting shipper(s): Packaging Corp. of America, 1603 Orrington Ave., Evanston, IL 60204.

MC 13134 (Sub-2-5TA), filed March 28, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. (1) *Refractory products*, from the facilities of C-E Refractories Div. Combustion Engineering, Inc., located at or near Port Kennedy, PA, to points in OH, MI, IN, IL, KY and WV, and (2) *minerals and ores*, from the facilities of C-E Minerals Div. of Combustion Engineering, Inc., located at or near Camden, NJ and Wilmington, DE, to points in OH, PA, MI, IN, IL, KY and WV, for 180 days. Supporting shipper: C-E Minerals Div. of Combustion Engineering, Inc., P.O. Box 828, Valley Forge, PA 19482.

MC 65475 (Sub-II-1TA), filed March 24, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Batteries, equipment, materials, and supplies used in the manufacturing of batteries, and scrap batteries*, between the facilities of Gould Inc., at Kankakee and Elk Grove Village, IL, Tazewell, VA, and King of Prussia, PA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Gould Inc., Industrial Battery Div., 2050 Cabot Blvd. W., Langhorne, PA 19047.

MC 150392 (Sub-II-1TA), filed March 24, 1980. Applicant: RICHARD S. FRANCIS d.b.a. FRANCIS, 1882

Noblestown Road, Pittsburgh, PA 15205. Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Chicago and East St. Louis, IL, Cincinnati, OH; Alexandria, VA; Baltimore, MD; and Pittsburgh, PA, on the one hand, and, on the other, Altoona, Bedford, Belle Vernon, Burgettstown, Butler, Clarion, Ford City, Greenville, Greensburg, Indiana, Kobuta, Martinsburg, Meadowlands, Mercer, Monaca, Midland, New Castle, New Stanton, Pittsburgh, Port Allegheny, Latrobe, St. Marys, Somerset, and Yatesboro, PA; and Fairmont, Natruium, Newell, Wellsburg, Weirton, and Wheeling, WV. Restricted to traffic having an immediate prior or subsequent movement by rail or water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 8 supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 144713 (Sub-II-5TA), filed March 31, 1980. Applicant: HAULMARK TRANSFER, INC., 1100 N. Macon St. Baltimore, MD 21205. Representative: Glenn M. Heagerty (same as applicant). *Contract: Irregular: Such Merchandise As Is Dealt In By A Bakery Supply Distributor (Except In Bulk)* between Jessup, MD, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA, excluding points in the states of NY, NJ, CT, MA, NH, VT, RI, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Frank A. Serio & Son, Inc., 8441 Dorsey Run Rd., Jessup, MD 20794.

MC 134086 (Sub-II-1TA), filed March 24, 1980. Applicant: LEWIS A. HANNABASS, Box 428, Route 1, Moneta, VA 24121. Applicant's representative: Frank B. Hand, Jr., P.O. Drawer C., Berryville, VA 22611. *Contract carrier; irregular routes, General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in Bedford and Roanoke Counties, VA to points in Nicholas County, WV, under contract with Montgomery Ward and Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Montgomery Ward & Co., Inc., 100 S. Monroe St., Baltimore, MD 21232.

MC 146656 (Sub-II-4TA), filed March 24, 1980. Applicant: KEY WAY TRANSPORT, INC., 820 S. Oldham St., Baltimore, MD 21224. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Contract carrier, irregular routes; *such merchandise as is dealt in by department stores (except commodities in bulk)*, from Jersey City, NJ, to the facilities of May Department Stores T/A Hecht's in Washington, D.C. under a continuing contract with May Department Stores T/A Hecht's. Supporting shipper: May Department Stores Corp. T/A Hecht's, P.O. Box 227, Silver Spring, MD 20907.

MC 146149 (Sub-II-1TA), filed March 26, 1980. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Absorbents (except commodities in bulk)*, between Middleton, TN, on the one hand, and, on the other, points in OH, MI, and IN, 180 days. Supporting shipper(s): Malton, Inc., P.O. Box 626, Memphis TN.

MC 125687 (Sub-II-1TA), filed April 2, 1980. Applicant: EASTERN STATES TRANSPORTATION PA, INC., 1060 Lafayette St., York, PA 17405. Representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, DC 20005. *Paper, paperboard, and paper products*, from Riegelsville, PA to points in CT, MD, MA, NJ, NY, RI, PA and DC, for 180 days. Supporting shipper(s): Whippany Paperboard Co., 11 Jefferson Ave., Whippany, NJ 07981.

MC 142897 (Sub-II-2TA), filed April 3, 1980. Applicant: KENNEDY FREIGHT LINES, INC., 7401 Fremont Pike, Perrysburg, OH 43551. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Contract: Irregular: (1) new furniture, and infant articles, and (2) equipment, materials, and supplies used in the manufacture or distribution of the items named in (1) above (except commodities in bulk)* between Revenna and Piqua, OH and Oil City, PA on the one hand, and, on the other, points in the Continental U.S., for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Questor Corp., 1801 Spielbusch Ave., Toledo, OH 43691.

MC 150226 (Sub-II-1TA), filed March 31, 1980. Applicant: DELAWARE CONTRACTING COMPANY, 601 Christiana Ave., Wilmington, DE 19801. Representative: Robert J. Corber, 1250 Connecticut Ave., N.W., Washington, DC 20036. *Petroleum coke* from Shamokin Dam, PA to Wilmington, DE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper:

International Minerals & Chemical Corp., 666 Garland Place, Des Plaines, IL 60018.

MC 123405 (Sub-II—1TA), filed April 3, 1980. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Canned goods*, from the facilities of Old Virginia, Inc. at or near Front Royal, VA to points in FL, GA, AL, LA and MS, restricted to transportation originating at and destined to the named origin and destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Old Virginia, Inc., Front Royal, VA 22630.

MC 150123 (Sub-2-1TA), filed February 19, 1980, originally published in the Federal Register of March 26, 1980. Applicant: AIRPORT SPECIAL DELIVERY, INC., 15411 Chatfield Ave., Cleveland, OH 44111. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of automobiles and trucks and automobile and truck parts, (except automobiles and trucks and commodities in bulk)* between points in the state of Ohio and Cleveland, OH; and between points in the state of OH and the facilities of American Motors Corp., located at or near South Bend, IN, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline at Cleveland, OH. Supporting shipper(s): American Motors Corp., South Bend IN. The purpose of this re-publication is to reflect applicants intent to interline which was omitted from the first publication.

MC 115414 (Sub-2TA), filed January 7, 1980, originally published in the Federal Register of March 26, 1980. Applicant: BLISSFIELD TRUCK LINES, INC., P.O. Box 245, 1-22155 SH2, Archbold, OH 43502. Representative: Jesse L. Short (same as applicant). *New furniture, furniture parts and materials, equipment and supplies used in the manufacture of new furniture, except commodities in bulk*, between Archbold, OH and GA, IL, IN, KY, MI, TN, and St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sauder Woodworking Co., 502 Middle St., Archbold, OH 43502. The purpose of this re-publication is to reflect the scope of authority sought which was published incorrectly previously.

MC 147759 (Sub-2-1TA), filed February 22, 1980, originally published in the Federal Register of March 17, 1980. Applicant: CAPITAL CITIES COACH CO., INC., 8800 Yellow Brick Rd., Baltimore, MD 21237

Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312. *Common; regular: Passengers and their baggage and express and newspapers in the same vehicle with passengers* between Annapolis, MD, and Rehoboth Beach, DE: From Annapolis, MD over Rowe Blvd. to its junction with U.S. Hwy 50; then over U.S. Hwy 50 east to Ocean City, MD, then over MD Hwy 528 north to the MD-DE state line, then over DE Hwy 1 to Rehoboth Beach, DE, and return over the same route serving all intermediate points between Ocean City, MD, and Rehoboth Beach, DE. Restricted against any passenger or traffic whose entire transportation is between Annapolis, MD and any point in the state of DE, including Rehoboth Beach, DE. Applicant intends to tack authority sought herein with authority being purchased from Greyhound Lines, Inc., in docket number MC-FC-78261, and with MC-147759, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers whose statements may be examined at the ICC regional office in Philadelphia, PA. The purpose of this re-publication is to reflect applicant's intent to tack which was previously omitted in the first publication.

MC 109736 (Sub-49TA), filed September 20, 1979, originally published in the Federal Register of March 12, 1980. Applicant: CAPITOL BUS CO. d.b.a. CAPITOL TRAILWAYS, 1061 S. Cameron St., Harrisburg, PA 17104. Representative: S. Berne Smith, P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. *Common; regular: Passengers and their baggage, and express and newspapers in the same vehicle with passengers* (1) Between Baltimore, MD, and Washington, DC, from Baltimore, MD over MD Hwy 3 and Baltimore-Washington Parkway to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, DC, and return over the same route. (2) Between Springettsbury and Manchester Townships, York County, PA, and Washington, DC, serving the intermediate point of Baltimore, MD, from Springettsbury and Manchester Townships, York County, PA, over Interstate Hwy 83 to Baltimore, MD, then over Baltimore-Washington Parkway to junction U.S. Hwy 50, then over U.S. Hwy 50 to Washington, DC, and return over the same route. (3) Between Frederick, MD, and Washington, DC, from Frederick, MD, over U.S. Hwy 240 to Washington, DC, and return over the same route. (4) Between Binghamton, NY, and Scranton, PA, from Binghamton, NY, over NY Hwy

17 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Scranton, PA, and return over the same route. (5) Between Philadelphia, PA, and Atlantic City, NJ, from Philadelphia, PA, over Interstate Hwy 76 to junction Interstate Hwy 676, then over Interstate Hwy 676 to junction NJ Hwy 42, then over NJ Hwy 42 to junction Atlantic City Expressway, then over Atlantic City Expressway to Atlantic City, NJ, and return over the same route. Applicant intends to tack authority sought herein authority previously held under its existing regular route service. Supporting shipper(s): Applicant's statement of fact. The purpose of this re-publication is to reflect applicant's intent to tack which was previously omitted from the first publication.

MC 110563 (Sub-2-1TA), filed March 10, 1980, originally published in the Federal Register of March 24, 1980. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Rte. 29 N., Sidney, OH 45365. Representative: Victor J. Tambascia (same as applicant). *Charcoal briquettes and related items* (a) from Salem, MO to points in AL, AR, CO, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, NE, NH, ND, OH, OK, PA, RI, SD, TN, TX, and VT; (b) from Kenbridge, VA to points in AL, CT, DE, DC, FL, GA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, and VT, for 180 days. Supporting shipper(s): Cupples Co. Manufacturers, Suite 1660, 1034 S. Brentwood Blvd., St. Louis, MO 63117. The purpose of this re-publication is to reflect the state of SC as a destination state in (b) above; the scope was published incorrectly in the first publication.

MC 147723 (Sub-1TA), filed January 12, 1980, originally published in the Federal Register of March 26, 1980. Applicant: E. B. COMPANY, INC., 5100 W. 164th St., Brook Park, OH 44142. Representative: Edward J. Bammerlin (same address as applicant). *Cleaning compound products and equipment, except in bulk, between the facilities of State Chemical Mfg. Co., located at or near Los Angeles, CA, Newark, NJ, Atlanta, GA and Cleveland, OH, on the one hand, on the other, points in the US (except AK and HI); and materials, equipment and supplies used in the manufacture and transportation of cleaning compounds, except in bulk, and empty containers, such as are used in the transportation of cleaning compounds on return*, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): State Chemical Mfg. Co., 3100 Hamilton Ave., Cleveland, OH 44114. The purpose of this re-publication is to show the correct

docket number and scope of the authority requested that were previously published erroneously.

MC 108589 (Sub-2-2TA), filed January 18, 1980, originally published in the Federal Register of March 26, 1980. Applicant: EAGLE EXPRESS CO., 1425 Williamson Road, Cincinnati, OH 45241. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. *Common; regular: General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Russell Springs, KY, and Nashville, TN, and its commercial zone, serving no intermediate points: from Russell Springs over Cumberland Pkwy to junction I-65, then over I-65 to Nashville, TN and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under MC 108589 and Subs thereto. Applicant intends to interline at Cincinnati, OH; Louisville, KY; and Knoxville and Nashville, TN. Supporting shipper(s): There are 17 supporting shippers whose statements may be examined at the ICC regional office in Philadelphia, PA. The purpose of this re-publication is to reflect applicant's intent to tack and interline; these statements were omitted from the first publication.

MC 97275 (Sub-38TA), filed December 6, 1979, originally published in the Federal Register of March 10, 1980. Applicant: ESTES EXPRESS LINES, 1405 Gordon Ave., Richmond, VA 23224. Representative: Joe W. Sherrill (same as applicant). *Common; regular: General commodities* (except those of unusual value), Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) Between N. Augusta, SC and Savannah, GA: From N. Augusta over U.S. Hwy. 25 to junction U.S. Hwy. 80, then over U.S. Hwy. 80 to Savannah, serving all intermediate points. (2) Between Allendale, SC and Brunswick, GA: From Allendale over U.S. Hwy. 301 to junction U.S. Hwy. 25, then over U.S. Hwy. 25 to Brunswick, serving all intermediate points. (3) Between Savannah, GA and Brunswick, GA: Over U.S. Hwy. 17, serving all intermediate points. (4) Between Savannah, GA and Brunswick, GA: From Savannah over U.S. Hwy. 17 to junction Interstate Hwy. 95, then over Interstate 95 to junction U.S. Hwy. 25, then over U.S. Hwy. 25 to Brunswick, serving all intermediate points. (5) Between Hazlehurst, GA and Jesup, GA:

Over U.S. Hwy. 341, serving all intermediate points. (6) Between Clarks Hill, SC and Hazlehurst, GA: Over U.S. Hwy. 22, serving all intermediate points. (7) Between McCormick, SC and Dublin, GA: From McCormick over U.S. Hwy. 378 to junction GA Hwy. 44, then over GA Hwy. 44 to junction U.S. Hwy. 441, then over U.S. Hwy. 441 to Dublin, serving all intermediate points. (8) Between Dublin, GA and Statesboro, GA: Over U.S. Hwy. 80, serving all intermediate points. (9) Between Augusta, GA and Baxley, GA: Over U.S. Hwy. 1, serving all intermediate points. (10) Between Mount Vernon, GA and Savannah, GA: From Mount Vernon over U.S. Hwy. 280 to junction U.S. Hwy. 80, then over U.S. Hwy. 80 to Savannah, serving all intermediate points. (11) Between Milledgeville, GA and Statesboro, GA: Over GA Hwy. 24, serving all intermediate points. (12) Between Union Point, GA and Augusta, GA: From Union Point over U.S. Hwy. 278 to junction U.S. Hwy. 78, then over U.S. Hwy. 78 to Augusta, serving all intermediate points. (13) Between Washington, GA and Thomson, GA: Over U.S. Hwy. 78, serving all intermediate points. (14) Between Dublin, GA and Savannah, GA: From Dublin over U.S. Hwy. 319 to junction Interstate Hwy. 16, then over Interstate Hwy. 16 to Savannah, serving all intermediate points. (15) Between Greensboro, GA and Soperton, GA: Over GA Hwy. 15, serving all intermediate points. (16) Between Ludowici, GA and Eulonia, GA: Over GA Hwy. 99, serving all intermediate points. (17) Between Ludowici, GA and Midway, GA: Over U.S. Hwy. 82, serving all intermediate points. (18) Between Thomson, GA and Pooler, GA: Over GA Hwy. 17, serving all intermediate points. (19) Between Irvinton, GA and Aline, GA: Over GA Hwy. 57, serving all intermediate points. (20) Between Swainsboro, GA and Waynesboro, GA: Over GA Hwy. 56 serving all intermediate points. (21) Between Eatonton, GA and Wrens, GA: From Eatonton over GA Hwy. 16, to junction GA Hwy. 17, then over GA Hwy. 17 to Wrens, serving all intermediate points. (22) Between Warrenton, GA and Waynesboro, GA: Over GA Hwy. 80, serving all intermediate points. (23) Between Greensboro, GA and GA/SC State Line: From Greensboro over GA Hwy. 44 to junction Interstate Hwy. 20, then over Interstate Hwy. 20 to GA/SC State Line, serving all intermediate points. (24) Between Sandersville, GA and Wrens, GA: Over GA Hwy. 88, serving all intermediate points. (25) Between

Milledgeville, GA and Sparta, GA: Over GA Hwy. 22, serving all intermediate points. (26) Between Glennville, GA and Sardis, GA: Over GA Hwy. 23, serving all intermediate points. (27) Between Baxley, GA and Glennville, GA: Over GA Hwy. 144, serving all intermediate points. (28) Between Millen, GA and Savannah, GA: Over GA Hwy. 21, serving all intermediate points. (29) Between Augusta, GA and Sardis, GA: From Augusta over GA Hwy. 56 to junction GA Hwy. 23, then over GA Hwy. 23 to Sardis, serving all intermediate points. (30) Between Hinesville, GA and the GA/SC State Line: Over GA Hwy. 119, serving all intermediate points. (31) Between Dublin, GA and Wadley, GA: Over U.S. Hwy. 319, serving all intermediate points. Applicant intends to tack authority sought herein with authority held under MC 97275 and Subs thereto. Applicant intends to interline with existing carriers. Supporting shippers: There are 19 supporting shippers whose statements may be examined at the ICC office in Philadelphia, PA. The purpose of this re-publication is to reflect applicant's intent to tack and interline; these statements were omitted from the first publication.

MC 108297 (Sub-31TA), filed October 17, 1979, originally published in the Federal Register of March 10, 1980. Applicant: FOX TRANSPORT SYSTEM, 8 Oregon Ave., Philadelphia, PA 19148. Representative: James J. Fox (same address as applicant). *Cable, scrap, lead covered copper and reels; cable, electric on vehicles with specialized equipment for loading and unloading*, between points in PA in and east of Potter, Clinton, Centre, Blair and Bedford Counties, on the one hand, and, on the other, New York, NY and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority held under MC 108297. Supporting shipper(s): American Telephone & Telegraph Co., 16 N. Salem, Dover, NJ 07801. The purpose of this re-publication is to reflect applicant's intent to tack which was omitted from the first publication.

MC 140294 (Sub-10TA), filed January 24, 1980, originally published in the Federal Register of March 10, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Printed matter, materials and supplies (except in bulk), used in the manufacture and distribution thereof* between the plantsite of Regency Greetings, Inc., at

or near Waynesboro, PA, and Hagerstown, MD, and its commercial zone, for 180 days. Applicant intends to interline with existing carriers at Hagerstown, MD. An underlying ETA seeks 90 days authority. Supporting shipper(s): Regency Greetings, Inc., 725 Clayton Ave., Waynesboro, PA 17268. The purpose of this re-publication is to reflect applicant's intent to interline which was omitted from the first publication.

MC 140294 (Sub-2-1TA), filed March 3, 1980, originally published in the Federal Register of March 17, 1980. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1946, Middleburg Pike, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Refrigerated equipment, materials and supplies, except in bulk, used in the manufacture and distribution thereof* between the facilities of Frick, Inc., at or near Waynesboro, PA, on the one hand, and, on the other, Baltimore, MD, Hagerstown, MD, and their respective commercial zones, for 180 days. Applicant intends to interline with existing carriers at Hagerstown, MD. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frick, Inc., 345 W. Main St., Waynesboro, PA 17268. The purpose of this re-publication is to reflect applicant's intent to interline with existing carriers which was previously omitted from the first publication.

MC 145986 (Sub-2-1TA), filed January 25, 1980. Applicant: EVERETT P. GLAZE, 38 W. Hinman Ave., Columbus, OH 43207. Representative: Richard H. Brandon, P.O. Box 97 Dublin, OH 43017. *Glassware and glass articles* from points in Pickaway County, OH to Columbus, OH and *materials and supplies* (except commodities in bulk) used in the manufacture and distribution of commodities named above in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RCA Corp., 1650 S. US 23, Circleville, OH 43113.

MC 149021 (Sub-2-1TA), filed February 11, 1980, originally published in the Federal Register of March 26, 1980. Applicant: HODGES TRUCKING CO., INC., P.O. Box 128, Axton, VA 24054. Representative: Earnest Hodges (same as applicant). *New furniture*, from Martinsville, VA to points in AZ, CA, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Furniture Corp., P.O. Box 4708, Martinsville, VA 24112. The purpose of this re-publication is to reflect the correct scope of authority

which was published erroneously in the previous publication.

MC 4983 (Sub-113TA), filed December 3, 1979, originally published in the Federal Register of March 5, 1980. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Rd., Spring City, PA 19475. Representative: William H. Peiffer (same as applicant). *Welded steel pipe or tubing, steel channels, nested, iron or steel articles* between Warren, OH; IN; KY; and TN, for 180 days. Restricted: service at Warren, OH is restricted to the plantsite and facilities of Van Huffer Tube Corp. Applicant intends to tack authority sought herein with authority held under MC 4983. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Huffer Tube Corp., Dietz Rd., Warren, OH 44481. The purpose of this re-publication is to show applicant's intent to tack which was omitted from the first publication.

MC 113828 (Sub-2-1TA), filed December 21, 1979, originally published in the Federal Register of March 24, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: Wm. P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. (1) *Ferric chloride* from Steubenville, OH to Centreville, VA and (2) *Ammonium sulfate* from Centreville, VA to Baltimore, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Abbit Enterprises, Inc., P.O. Box 149, Moorestown, NJ 08057. The purpose of this re-publication is to show the correct wording of the commodity and scope which were published incorrectly in the first publication.

MC 113828 (Sub-2-2TA), filed January 31, 1980, originally published in the Federal Register of March 24, 1980. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. Representative: Wm. P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Chemicals, in bulk*, from Norfolk, VA to AL, IL, IN, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Virginia Chemicals, Inc., 3340 W. Norfolk Rd., Portsmouth, VA 23703. The purpose of this re-publication is to reflect the correct scope of authority sought which was previously published incorrectly.

MC 146892 (Sub-2-1TA), filed February 14, 1980, originally published in the Federal Register of March 12, 1980. Applicant: R & L TRANSFER, INC., P.O. Box 271, Wilmington, DE 45177. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of*

carpeting (except in bulk), from Rome, GA, Cincinnati and Wilmington, OH to points in OH for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to interline with existing carriers at Cincinnati and Wilmington, OH. Supporting shipper(s): Trend Carpet/Roxbury Carpet, Div. of WWG Industries, Inc., P.O. Box 162, Rome, GA 30161. The purpose of this re-publication is to reflect applicant's intent to interline which was omitted from the first publication.

MC 150480 (Sub-2-1TA), filed April 3, 1980. Applicant: YOWELL TRANSPORTATION SERVICE, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Concrete products, materials, supplies and equipment utilized in the manufacture of concrete products*, between Butler and Warren Counties, OH, on the one hand, and, on the other, points in IN, MI, IL, WV, KY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Concrete Technology, Inc., 156 E. Mill St., Springboro, OH 45066.

MC 146551 (Sub-2-2TA), filed April 3, 1980. Applicant: TAYLOR TRANSPORT, INC., 1416 Ralston Ave., Defiance, OH 43512. Representative: Tommy R. Taylor (same as applicant). (1) *Janitorial Supplies and Starches* and (2) *Equipment, Materials and Supplies used in the manufacture, distribution and sale in (1) above (except commodities in bulk) and Plastic Bottles* between The Facilities of Purex Corporation at Toledo, OH on the one hand, and, on the other, points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Purex Corporation, 6120 N. Detroit Ave., Toledo, OH 43612.

MC 30237 (Sub-2-2TA), filed April 3, 1980. Applicant: YEATTS TRANSFER CO., P.O. Box 668, Altavista, VA 24517. Representative: Eston H. Alt (same as applicant). *New furniture* from Richmond and Kenbridge, VA to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Sperry and Hutchinson Co., Residential Wood Furniture Group, Furnishing Div., One Plaza Ctr., Box HP 3, High Point, NC 27261.

MC 64806 (Sub-2-3), filed April 3, 1980. Applicant: R. P. THOMAS TRUCKING COMPANY, INC., 807 W. Fayette St., Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *New furniture*, (1) from the facilities of Burlington Furniture, at or near High

Point, Lexington, and Robbinsville, NC, to Hartford, CT; (2) from points in NC to points in MI; (3) from the facilities of The Lane Co., Inc., at Altavista and Rocky Mount, VA, the facilities of Singer Furniture Company, at Roanoke, VA, and the facilities of The Sperry & Hutchinson Company, at or near Kenbridge and Richmond, VA, to points in CT, MA, ME, NH, RI, and VT, for 180 days. An underlying ETA application seeks 90 days authority. Supporting shippers: Burlington Furniture, P.O. Box 907, Lexington, NC 27292. J. L. Hudson Company, 14225 W. Warren Ave., Dearborn, MI 48126. The Lane Co., Inc., E. Franklin St., Altavista, VA 24517. Singer Furniture Company, P.O. Box 5337, Roanoke, VA 24012. The Sperry & Hutchinson Company, P.O. Box HP #3, High Point, NC 27261.

MC 14215 (Sub-2-5TA), filed April 4, 1980. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A Charles Tell, 100 E. Broad St., Columbus, OH 43215. (1) *Zinc articles*, from the facilities of T. L. Diamond Co. at Spelter and Meadowbrook, WV to Hillsboro, IL, Muncie, IN; Arthur, MI; Mansfield, OH and Palmerton, PA, and (2) *zinc dust* in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: T. L. Diamond Co., 30 Rockefeller Plaza, NY, NY 10021.

MC 111882 (Sub-2-1TA), filed April 7, 1980. Applicant: SERV U INC., 6640 Quad Ave., Baltimore, MD 21237. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *General commodities, chassis or trailer, and empty containers*, having prior or subsequent movement by water between Baltimore, MD, on the one hand, and on the other, points in DE, MD, NJ, PA, VA, and DC for 180 days. An underlying ETA application seeks 90 days authority. Supporting shippers: Logistical Services, Inc., Charles Center South—Suite 2202, Baltimore, MD 21201. Kerr Steamship Company, Inc., Sun Life Building, Baltimore, MD 21202. Hanson & Tidemann, Inc., World Trade Center—Suite 623, Baltimore, MD 21202. Crossocean Shipping Company, Inc., World Trade Center—Suite 2423, Baltimore, MD 21202. Roco Agencies, Inc., 1404 S. Clinton Street, Baltimore, MD 21224.

MC 114569 (Sub-2-19TA), filed April 7, 1980. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Such commodities as are dealt in by retail department stores and chain grocery business houses (except foodstuffs and items in bulk, in tank vehicles)*. Between

the facilities of Herman Rynveld's Sons Corporation located in Lancaster County, PA and Bradford County, PA, on one hand, and on the other points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Herman Rynveld's Son at Lancaster County, PA and Bradford County, PA. Supporting shipper(s): Herman Rynveld's Son Corp., 1117 Mandarin Isle, Fort Lauderdale, FL 33315.

MC 117883 (Sub-2-1TA), filed April 7, 1980. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). *Plastic, plastic articles, and plastic products* (except in bulk, in tank vehicles) from the facilities of Thatcher Plastic Packaging at or near Washington Court House, OH to Indianapolis, IN and Detroit, MI. Restricted to traffic originating at the plantsite and/or storage facilities of Thatcher Plastic Packaging at the named origin. Supporting shipper(s): Thatcher Plastic Packaging, P.O. Box 409, Muscatine, IA 52761.

MC 150507 (Sub-2-1TA), filed April 4, 1980. Applicant: James E. Owens and Marvin L. Bowling d.b.a. SOUTH-EASTERN GUNITE SERVICES, Route 1, Box 14, Rocky Gap, VA 24368. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. (1) *Stone and stone products, stone mixed with cement and sand, and sealants*, in bags, from the facilities of Coal Industry Services Co., d.b.a., CISCO at or near Pounding Mill, VA, to points in GA, KY, MD, NC, PA, SC, and WV; (2) *Refractory Materials*, from Augusta, GA, Hitchens, KY, Claysburg and Curwensville, PA, to the facilities of Jewell Coal & Coke Co. at or near Vansant, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coal Industry Services Co., d.b.a., CISCO, P.O. Box 134, Pounding Mill, VA 24367; Jewell Coal & Coke Co., P.O. Box 46, Vansant, VA.

MC 110683 (Sub-2-2TA), filed April 7, 1980. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McNery, 1000 Sixteenth St. NW., Washington, DC 20038. *Common; regular: General commodities, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment to serve all points and places in Benton County, IN, as an off-route points in connection with carriers' authorized regular routes for 180 days.*

An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority under docket MC 110683. Applicant intends to interline with other carriers at all present interchange points. Supporting shipper(s): Boswell International Corp., 106 S. Adams St., Boswell, IN 47921; Butler Implement Co., State Rd. 41 So., Boswell, IN 47921.

Note: The authority requested duplicates in part authority presently held by applicant.

MC 146361 (Sub-2-5TA), filed April 7, 1980. Applicant: WOLTER TRUCK LINES, INC., R.D. 1, Box 197, Greenwood, DE 19950. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St. NW., Washington, DC 20005. (1) *Cookie meal*, in bulk, in dump vehicles, from Ashland, VA, to points in DE, MD, NC and PA, and (2) *Fish meal*, in bulk, in dump vehicles, from Reedville, VA, Morehead City and Southport, NC, to points in MD, VA, NC, PA, and SC. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Agricultural Commodities, Inc., Cape Charles, VA 23310.

MC 94265 (Sub-2-8TA), filed April 4, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460, Windsor, VA 23487. Representative: John J. Capo, P.O. Box 72034, Atlanta, GA 30328. *Toilet preparations*, from the facilities of Iodent Way Chemical Company, Inc. at Elizabethton, TN to points in IN, KS, MA, MI, NJ, NY, NC, OH, PA, RI, New Orleans, LA, Memphis, TN, and Omaha, NE for 180 days. Supporting shipper(s): Iodent Company, 411 Andover, Bloomfield Hills, MI 48013.

MC 102616 (Sub-II-7TA), filed April 4, 1980. Applicant: COASTAL TANK LINES, INC., 250 N. Cleveland-Massillon Rd., Akron, OH 44313. Representative: W. M. Kiefaber (same as applicant). *Soybean oil, refined, in bulk, in tank vehicles*, from Walton Hills, OH to points in GA. Supporting shipper: Ferro Corp., 1 Erieview Plaza, Cleveland, OH 44114.

MC 117613 (Sub-II-3TA), filed March 31, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Contract, irregular: *Business forms, computer tapes, off-track betting tickets, lottery tickets, carbon paper, tissue paper, materials and supplies (except in bulk) used in the manufacture thereof*, between Chambersburg, PA, and its commercial zone, on the one hand, and, on the other, points in and east of WI, IL, KY, TN, and MS, (except points in MD and DC). An underlying ETA seeks 90 days authority. Supporting

shipper: Arnold Graphics, Inc., Hood & Commerce Sts., Chambersburg, PA 17201.

Note.—Dual operations may be involved.

MC 94265 (Sub-II-7TA), filed April 4, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Rt. 460 W, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Restaurant Materials, Supplies, and Furnishings when moving in mixed loads with foodstuffs*, from Chicago (Elk Grove Village) Illinois to points in Falls Church, Hampton and Williamsburg, VA. An underlying ETA seeks 90 days authority. Supporting shipper: Foodmaker, Inc., 2333 Arthur Ave., Elk Grove Village, IL 60007.

MC 146676 (Sub-II-3TA), filed April 7, 1980. Applicant: BURKS TRUCKING, INC., P.O. Box 37 Old Fort, OH 44861. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Stereo speaker cabinets* from Tiffin, OH to Sun Valley, CA and Houston, TX. An underlying ETA seeks 90 days authority. Supporting shipper: Tiffin Enterprises, 458 42nd St., Tiffin, OH 44883.

MC 150511 (Sub-II-1TA), filed April 7, 1980. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Contract, irregular: Such merchandise as is dealt in by retail department stores, restricted to residential deliveries, between Bridgeport, NJ on the one hand, and, on the other, points in DE and points in PA on and east of U.S. Hwy 15, under a continuing contract or contracts with Bamberger's Division of R. H. Macy & Co., Inc. An underlying ETA seeks 90 days authority. Supporting shipper: Bamberger's, A Div. of R. H. Macy, Inc., 131 Market St., Newark, NJ 07101.

MC 61445 (Sub-II-1TA), filed April 7, 1980. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, D.C. 20014. *Iron and steel articles and construction equipment*, from Washington, D.C., and its Commercial Zone, to Framingham, MA, Rochester and Long Island, NY, and Philadelphia, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drachman Structurals, Inc., 2116 Merrick Ave., Merrick, NY 11566.

MC 2605 (Sub-II-3TA), filed March 31, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 E. Adams Ave., Philadelphia, PA 19124.

Representative: Anthony N. Coppola, Jr. (same as applicant). *Cleaning compounds and related articles, including, ammonia, laundry bleach, laundry bluing, cleaning, scouring and washing compounds, cloths and scouring pads with or without soap, plastic mesh pot scourers, fabric sizing, soap and soap powder, sodium hypochlorite solution, textile softeners, steel wool, and plastic bottles*, except in bulk, between, Bristol, Cornwall Heights, and Philadelphia, PA; Baltimore, MD; New Castle, DE; So. Kearney, Patterson, and Hackensack, NJ; Toledo, Columbus, Fostoria and London, OH; Chicago, IL, and St. Louis, MO. Applicant intends to tack authority sought here with its existing authority. Supporting shipper(s): Purex Corp., Radcliffe St., Bristol, PA.

MC 146386 (Sub-II-1TA), filed April 1, 1980. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., Bldg. A, 10 E. Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 133 N. 4th St., Philadelphia, PA 19106. *Such commodities as are dealt in or used by retail department stores (except in bulk)*, from Los Angeles, CA and its commercial zone to the facilities of or utilized by Lerner Shops at Denver, CO; Dallas, TX; Chicago, IL, Atlanta, GA; Jacksonville, FL, Pittsburgh, PA; North Bergen, NJ and New York, NY; and their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walsh Trucking & Consolidating Co., Inc., 2820 16th St., North Bergen, NJ 07047. Lerner Shops, 460 W. 33rd St., New York, NY 10001.

MC 106920 (Sub-II-2TA), filed April 1, 1980. Applicant: RIGGS FOOD EXPRESS, INC., West Monroe St., P.O. Box 26, New Bremen, OH 45869. Representative: David C. Venable, Suite 805, 666 11th St., N.W., Wash., DC 20001. *Frozen foodstuffs*, between facilities of Monument Distribution Warehouse, Inc., Indianapolis, IN, on the one hand, and, on the other, pts. in NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Monument Distribution Warehouse, Inc., 3320 S. Arlington Ave., Indianapolis, IN.

MC 109533 (Sub-II-5TA), filed March 28, 1980. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Ave., Richmond, VA 23224. Representative: C. H. Swanson, P.O. Box 1216, Richmond, VA 23209. *Common; regular: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment serving Tumca, MS, as an*

off-route pt. in connection with carrier's authorized regular route operation for 180 days. Applicant intends to tack authority sought herein with authority presently held under MC 109533. Applicant proposes to interline traffic with its present connecting carriers at authorized interline pts. as provided in tariffs on file with the ICC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drexel Chemical Co., 2487 Pennsylvania St., Memphis, TN 38116.

MC 114969 (Sub-II-4TA), filed March 31, 1980. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Milford, OH 45150. Representative: James M. Roudebush (same as applicant). *Anhydrous ammonia, in bulk, in tank vehicles*, from the facilities of C. F. Industries at Huntington, IN and from Lima, OH to pts. in MI for 180 days. Supporting shipper(s): Ohio Farmers Grain and Supply, Assn., P.O. Drawer M, Fostoria, OH 44830. Vistron Corp., Midland Bldg., Cleveland, OH 44115.

MC 56388 (Sub-2-1TA), filed January 24, 1980, originally published in the Federal Register of March 24, 1980. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. *Petroleum and petroleum products, in bulk, in tank vehicles*, (1) from Baltimore, MD to points in DC, VA, and WV, and (2) from DC to points in MD, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amerada Hess Corp., 1 Hess Plaza, Woodbridge, NJ 07095. British Petroleum Co., Inc., Rte. 100, Exton, PA 19341. Mobil Oil Corp. 150 E. 42nd St., New York, NY 10017. The purpose of this re-publication is to reflect the supporting shippers and show the state of WV which were omitted in the first publication.

MC 119821 (Sub-2-1), filed April 11, 1980. Applicant: OCHROCH TRANSPORTATION CO., INC., Northeast Corner Second and Erie Ave., Philadelphia, PA 19140. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., N.W., Washington, D.C. 20005. *Furnaces, compressors, and condensing units and parts thereof*, from Tecumesh, Addison and Jonesville, MI, to Philadelphia, PA, and points in its commercial zone for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Refrigeration, Inc., 4111 Whitaker Ave., Philadelphia, PA 19124.

MC 136343 (Sub-2-2), filed April 11, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative:

Herbert R. Nurick, Esq., P.O. Box 1166, Harrisburg, PA 17108. *Aluminum and zinc alloy ingots* from Maple Heights, OH to points in the U.S. in and east of ND, SD, NE, KS, OK and TX for 180 days. Supporting shipper: Aluminum Smelting & Refining Co., Inc., 5463 Dunham Rd., Maple Heights, OH 44137

MC 68860 (Sub-2-1), filed April 7, 1980. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Dr., N.W., Roanoke, VA 24012. Representative: Luel G. Gregory, Jr. (same as applicant). 1(a) *Farm machinery, materials, equipment, and supplies*, (except commodities in bulk, and those requiring special equipment), (b) *construction materials, equipment, and supplies*, (except commodities in bulk and those requiring special equipment), (c) *mining materials, equipment, and supplies* (except commodities in bulk and those requiring special equipment), and (d) *road machinery, materials, equipment and supplies* (except commodities in bulk and those requiring special equipment), (2) *iron and steel articles as described in Appendix V to the Report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 (3) *Electric Controller, controller parts, and air cargo containers*, between points in Albermarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Clarke, Craig, Culpeper, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Green, Halifax, Henry, Highland, Lee, Loudoun, Madison, Montgomery, Nelson, Orange, Page, Patrick, Pittsylvania, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe, VA, on the one hand, and, on the other, points in DE, those points in KY on and east of a line beginning at Covington and extending along U.S. Hwy 25 to Lexington, KY, then along U.S. Hwy 27 to the KY-TN state line, and points in MD, NJ, NC, OH, PA, and SC, and those points in TN on and south of a line beginning at the VA-TN state line and extending west to junction U.S. Highway 25, through Highland Park and Clinton, TN to Knoxville, TN and on through Dandridge, TN to Newport, TN and thence along U.S. Hwy 25 through Del Rio, TN to the TN-NC state line and points in WV and DC, restricted in (3) above to the transportation of traffic originating at or destined to points in Philadelphia, PA, and Charlottesville, VA, and having a prior or subsequent movement by air for 180 days. Applicant intends to interline with other carriers at

any commonly authorized service point. Supporting shipper: Carter Machinery Co., Inc., P.O. Box 1096, Salem, VA 24153. Moore's A Division of Evans Products Co., P.O. Box 2908, Roanoke, VA 24022.

MC 124111 (Sub-2-4), filed April 10, 1980. Applicant: OHIO EASTERN EXPRESS, INC., 300 W. Perkins Ave., Sandusky, OH 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. (1) *Bakery products and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above* between the facilities of West Baking Co. at Indianapolis, IN, on the one hand, and, on the other, points in OH, Louisville, KY, and Atlanta, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Baking Co., 3965 N. Meridian St., Indianapolis, IN 46208.

MC 136343 (Sub-2-3), filed April 14, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, Esq., P.O. Box 1166, Harrisburg, PA 17108. *Sodium bicarbonate* (except in bulk) from the facilities of Church & Dwight Co., Inc. located at points in Seneca and Sandusky Counties, OH, to points in AL, CT, DE, FL, GA, KY, MA, MD, ME, NH, NC, NJ, NY, PA, RI, SC, TN, VA, VT, WV and DC. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Church & Dwight Co., Inc., P.O. Box 369, Piscataway, NJ 08854.

MC 147538 (Sub-2-2), filed April 14, 1980. Applicant: PARAMOUNT DELIVERY, INC., 4252 Rising Sun Ave., Philadelphia, PA 19140. Representative: Elliott Tolan, 42 S. 15th St., Robinson Bldg., Philadelphia, PA 19102. *Contract; Irregular: Mattresses, box springs and other related items* between Philadelphia and its commercial zone on the one hand, and on the other points in the states of PA, NJ, MD, DE, NY, VA, CT, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cambridge Industries, Inc., 2900 N. 17th St., Philadelphia, PA.

MC 21720 (Sub-2-1TA), filed April 14, 1980. Applicant: PANTHER VALLEY CARRIERS, INC., R.D. #3 Box 187A, Tamaqua, PA 18252. Representative: James W. Hagar, Esq., P.O. Box 1166, 100 Pine St., Harrisburg, PA 17108. *Malt beverages* from Lehigh County, PA to points in DE, MD, NJ, NY, OH, VA and DC, and *materials, supplies and equipment* used in the production and

distribution of malt beverages (except commodities in bulk) from points in DE, MD, NJ, NY, OH, VA and DC to Lehigh County, PA for 180 days. Supporting shipper: F. & M. Schaefer Brewing Co., P.O. Box 2568, Allentown, PA 18001.

MC 74416 (Sub-2-1), filed April 11, 1980. Applicant: LESTER M. PRANGE, INC., Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth St., NW., Washington, D.C. 20005. *Lumber and lumber products*, from Louisa County, VA, to points in MD, DE, PA, NJ, NY, DC and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): D. L. Atkins Land & Lumber Company, U.S. Route 33, Trevilians, VA 23170.

MC 107012 (Sub-2-20), filed April 14, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. *Barbecue grills and parts and accessories for barbecue grills* (See Attachment E-1) from the facilities of Locke Stove Company located at or near Mt. Vernon and East St. Louis, IL to points in FL, IA, MI, MN, NE and WI. (See Attachment F listing representative destination points). for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Locke Stove Company, 114 W. 11th St., Kansas City, MO 64105.

Note.—Common control may be involved.

MC 150482 (Sub-2-1), filed April 10, 1980. Applicant: McCAULEY AIR FREIGHT, R. D. #4, Box 314A, Punxsutawney, PA 15767. Representative: John Smith (same as applicant). *General commodities* between points in Armstrong, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Forest, Jefferson, Lycoming, Union, Venango Counties, PA, on the one hand, and, on the other, Clarion, DuBois, Philipsburg, and Pittsburgh, PA for 180 days. Restricted to traffic having prior or subsequent transportation by air. Supporting shipper(s): Burlington Northern Air Freight, 314 Moon Clinton Rd., Coraopolis, PA 15108.

MC 28088 (Sub-2-1), filed April 10, 1980. Applicant: NORTH & SOUTH LINES, INC., 2710 S. Main St., Harrisonburg, VA 22801. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004. *Frozen foods* between the facilities of Golden West and McCormick Foods at or near Bedford, VA and Martinsburg, WV on the one hand, and, on the other, points in CA for 180 days. Supporting shipper: Mary

Sellitti, Golden West, P.O. Box 1088, Gilroy, CA 95020.

MC 150080 (Sub-II-3TA), filed April 15, 1980. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Joseph Seifrit (same address as applicant). Contract: irregular; *confectionary and confectionary products*, from Bethlehem, PA to points in the United States (except AK and HI), under continuing contract or contracts for 180 days. Supporting shipper: Just Born, Inc., 1300 Stefkow Blvd., Bethlehem, PA 18018.

MC 140965 (Sub-II-1TA), filed April 14, 1980. Applicant: BUX MONT EXPRESS, INC., P.O. Box 223, Gwynedd, PA 19436. Representative: Peter A. Greene, 900 17th St., N.W., Washington, DC 20006. *Automotive parts and accessories and materials and supplies used in the manufacture and distribution of automotive parts and accessories* between the facilities of Delbar Products, Inc. at Perkasi, PA, on the one hand, and, on the other, Louisville, KY, Cincinnati, OH, and points in NY, NJ and CT. An underlying ETA seeks 90 days authority. Supporting shipper: Delbar Products, Inc., 7th and Spruce St., Perkasi, PA 16944.

MC 135028 (Sub-II-1TA), filed April 14, 1980. Applicant: BENJAMIN BLATT, d.b.a. BEN BLATT, 6382 Morrowfield Ave., Pittsburgh, PA 15217. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW, Washington, DC 20006. Contract: irregular: *Household appliances and electronic equipment and accessories, and floor and wall coverings* from the facilities of Hamburg Bros. at Pittsburgh, PA to points in OH and WV. An underlying ETA seeks 90 days authority. Supporting shipper: Hamburg Bros., 24th & A.V.R.R., Pittsburgh, PA 15219.

MC 141344 (Sub-II-1TA), filed March 3, 1980, originally published in the Federal Register of March 17, 1980. Applicant: ALLEN TRANSPORT CORP., P.O. Box 9702, Richmond, VA 23228. Representative: Richard J. Lee, Suite 1222, 700 E. Main St., Richmond, VA 23219. *Commodities which because of size or weight requires the use of special equipment and/or handling*; between pts. in VA, on the one hand, and, on the other, pts. in VA, SC, NC, MD, WV, TN, and DC for 180 days. Applicant intends to interline at Richmond, VA. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the ICC Regional Office in Phila., PA. The purpose of this republication is to reflect applicant's intent to interline which was omitted from the first publication.

MC 21866 (Sub-II-9TA), filed April 11, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Leonard A. Jaskiewicz, 1730 M St., N.W., Suite 501, Washington, D.C. 20036. *Foodstuffs, macaroni, noodles, spaghetti sauce, bread crumbs, and cheese, and materials and supplies used and useful in the manufacture and distribution of the above named commodities*, between Lebanon, PA, on the one hand, and, on the other, points in CT, MA, and RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): San Giorgio Macaroni, Inc., Lebanon, PA 17042.

MC 21866 (Sub-II-8TA), filed April 11, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 S. Broad St., Phila., PA 19110. *Hand tools*, from the facilities of Birdsboro Castings Corporation at or near Birdsboro, (Berks County), PA to Fayetteville, Goldsboro and Greensboro, NC, Columbia, SC, Atlanta, GA, and Miami and Winter Haven, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Birdsboro Casting Corporation, P.O. Box 187 Birdsboro, PA 19508.

MC 9914 (Sub-II-4TA), filed April 11, 1980. Applicant: WARREN TRUCKING COMPANY, INC., P.O. Box 5224, Martinsville, VA 24112. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *New furniture and furniture parts* from the plant site of Sperry and Hutchinson Company, Residential Wood Furniture Group/Furniture Division, at Richmond, VA and Kenbridge, VA to points in DE, MD, NJ, NY, OH, PA, VA, WV, and DC, and *materials; equipment and supplies used in the manufacture and distribution of new furniture and furniture parts*, from points in the destination territory described above to the origins described above, for 180 days. Supporting shipper(s): Sperry and Hutchinson Co., Residential Wood Furniture Group, P.O. Box HP3, High Point, NC 27261.

MC 150545 (Sub-II-1TA), filed April 10, 1980. Applicant: TRI-CITY TIRES, INC., 1016 Butt St., Chesapeake, VA 23324. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract carrier*: Irregular routes: (1) *Adhesives; cement; paint; petroleum naphtha; plastic or rubber articles; rubber compound; soap; tire treads* and (2) *materials, supplies and equipment used in the manufacture, distribution and sales of commodities in (1) above, except commodities in bulk in tank vehicles*, between points in

Rockdale County, GA, on the one hand, and, on the other, points in AL, AR, CT, DC, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, MI, MN, MO, MS, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WI and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unroyal Tire Company, Conyers, GA, 1961 Industrial Blvd., Conyers, GA 30207

MC 21866 (Sub-II-10TA), filed April 14, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 S. Broad St., Philadelphia, PA 19110. *Plastic and plastic products (except in bulk)* (1) Between Reading, PA and Wytheville, VA. (2) From Reading, PA and Wytheville, VA to Los Angeles and San Diego, CA, and to points in TX, for 180 days. An underlying ETA seeks 90 days authority. *Restriction*: The service authorized herein is restricted to the facilities of The Polymer Corporation or Polypenco, Inc. Supporting shipper(s): The Polymer Corporation, 2120 Fairmount Ave., Reading, PA 19603.

The following applications were filed in Region 3. Send Protests to: ICC, P.O. Box 7520, Atlanta, GA 30309.

MC 106074 (Sub-3-3TA), filed February 13, 1980. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *Foodstuffs* from the facilities of RJR Foods, Inc., at or near Atlanta, GA to points in NC, SC, VA and those in that part of TN on and east of Interstate Hwy 65. Supporting shipper: RJR Foods, Inc., P.O. Box 3037, Winston-Salem, NC 27102.

The following applications were filed in Region 4. Send Protests to: ICC, Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 148504 (Sub-4-1TA), filed November 21, 1979. Applicant: G. L. NICHOLS TRUCKING, INC., P.O. Box 86, Flora, IL 62839. Representative: Michael W. O'Hare, 300 Reish Bldg., Springfield, IL 62701. *Contract*: irregular: *meats, meat products, meat by-products and articles* by meat packaging houses as described in Motor Carrier Certificates 61, M.C.C. 209 and 766 except hides and commodities in bulk for the account of Swift and Co., from the facilities of, or used by, Swift & Company at St. Charles, Chicago, Rochelle and East St. Louis, IL to AL, FL, GA, MS, NC, SC, LA, TN and TX. Supporting shipper: Swift & Co., 115 W. Jackson Blvd., Chicago, IL 60604.

The following applications were filed in Region 5. Send protests to: Consumer

Assistance Center, Interstate Commerce Commission, 411 West 7th Street—Suite 600, Fort Worth, TX 76102.

Replication

MC 150115 (Sub-5-1TA), filed March 24, 1980. Applicant: DON R. PRICE d.b.a., PRICE TRANSFER & STORAGE, P.O. Box 369, Winfield, KS 67156. Representative: W. Boyd Evans, 120 South Market, Suite 600, Wichita, KS 67202. *General Commodities, restricted to the transportation of traffic contained in trailer-on-flat-car trailers having an immediate, prior or subsequent movement by rail in interstate traffic between points and places in Sumner, Cowley, and Sedgwick Counties, KS.* Supporting shippers: Gott Corporation, 1616 Wheat Road, P.O. Box 652, Winfield, KS 67156. Morton Buildings, Inc., P.O. Box 649, Winfield, KS 67156.

MC 149306 (Sub-TA), filed January 31, 1980. Applicant: JOSEPH C. KOCHANSKI, d.b.a. MIKE'S TRANSFER, 9229 Saddlebrook, St. Louis, MO 63126. Representative: Joseph C. Kochanski, 9229 Saddlebrook, St. Louis, MO 63126. Contract carrier over regular routes *Hardware and related items* between a hardware cooperative central warehouse and its dealer-members (see attachment for areas). Supporting shipper: General Mercantile & Hardware, Inc., 3965 Park Ave., St. Louis, MO 63110. Route #1 is a route in which deliveries are made within the cities of St. Louis and Mehlville, utilizing, primarily, city streets and county roads. Route #2 leaves St. Louis via highway 40 west, to highway 70. It continues west on highway 70 to highway 19, where it turns north to highway 54; making stops in New Florence, Montgomery City, and Wellsville. Route #2 then follows highway 54 west to Mexico (Missouri), where deliveries are made. Leaving Mexico via state highway 22, westward, to U.S. highway 63, with stops in Centralia and Sturgeon. At highway 63 it goes north as far as Kirksville, before returning south on highway 63 to highway 54; making stops at Macon, Moberly and Columbia. On highway 54, route #2 travels north this time, with stops in Holt Summit, New Bloomfield and Fulton. It then returns to St. Louis via highway 70. Route #3 starts with deliveries in St. Louis, using city streets and state highway 267. Then it goes south on state highway 21 to state highway 8 at Potosi, with stops in Hillsboro, DeSoto, Old Mines and Potosi. The travel east on highway H to Desloge and Flat River. Using U.S. highway 67 go south to Farmington. After stops in Farmington travel over state highway 32 to Ste. Genevieve. On

highway 61 north from highway 32, deliver to Bloomsdale before going north on highway 55, making stops at Crystal City, Festus, Pevely, Herculaneum, Bonhart, Imperial and Arnold, using a combination of both highways 61 and 55. Continue on highway 55 back to St. Louis. All of route #4 deliveries are made in the St. Louis City and County. Using combinations of city streets, county roads, state highways 367, 180, and 115, interstates 270 and 70, and also U.S. highways 40 and 67. All of route #5 deliveries are made in the St. Louis City and County. Using combinations of city streets, county roads, state highways 100 and 340, interstate 270, and U.S. highways 40, 61 and 67. Route #6 leaves St. Louis via highway 70 to the McKinley Bridge delivering to Madison and Granite City via Madison Ave., Illinois. Then it travels north on state highway 3 to interstate 270 where it travels west to Bridgeton. Then it follows highway 70 west to Wentzville, making stops in St. Charles, St. Andrews, St. Peters and O'Fallon. After deliveries to Wentzville, it travels north on highway 61 as far as Troy; with stops in Flinthill, Moscow Mills and Troy. It then returns south on highway 61-40 to St. Louis, making stops in Claymont using state highway 340. Route #7 leaves St. Louis via interstate 70 going east to interstate highway 64 to highway 157, south on highway 157 to Belleville. From Belleville go north on highway 159 to interstate 64, with a stop in Fairview Heights. Then continue east on interstate highway 64 to interstate highway 57; south on interstate highway 57 to Marion, with stops at Benton, West Frankfurt, Johnson City and Marion. Then travel west on state highway 13 to Murphysboro, with stops in Herron, Carterville and Carbondale. The go from Carbondale north on U.S. highway 51 to state highway 154, with a stop in DeQuon. Take state highway 154 east to state highway 13 and take date highway 13 back to St. Louis with stops in Pinckneyville, Coulterville, Marissa, New Athens and Freeburg. Route #8 leaves St. Louis via interstate 70 to East St. Louis. Use city streets and county roads to deliver to Caseyville, Hollywood Heights, and O'Fallon. Then travel east on U.S. highway 50 to highway 130, with stops at Lebanon, Trenton, Aviston, Breese, Carlyle, Sandoval, Odin, Salem, Flora, Clay City and Olney. A side trip delivery is made to Lousville on U.S. highway 45 from and to U.S. highway 50. Proceed south on highway 130 to highway 15 and west on highway 15 to interstate 64, with stops in Albion, Fairfield, Wayne City and Mount Vernon. Return to St. Louis via interstate 64-55, with side trips to

Centralia, via U.S. highway 51, and Nashville, via state highway 127. Route #9 leaves St. Louis via highway 70 and delivers to Ferguson-Florissant area using city streets and county roads. Then use interstate 270 to state highway 3, for delivery to Granite City. Returning north on state highway 111 to Wood River, Alton and Godfrey. Then take state highway 267 to highway 67 into Jacksonville, with stops (on 267) in Jerseyville, White Hall, Carrollton and Roodhouse. With a side trip to Hardin via state highway 16. Go south on highway 67 to highway 16, with stops in Greenfield and Medora. Go east on highway 16 to Litchfield with stops in Shipman, and Litchfield. Return to St. Louis via interstate 55, with stops in Mount Olive and Edwardsville, using state highways 143 and 159 for the Edwardsville side trip delivery. Route #10 leaves St. Louis via interstate 44 west to state highway 100, with stops in Webster Groves and Pacific and Gray Summit. Take highway 100 west to U.S. highway 50, with stops in Washington, New Haven and Hermann and Shamois. Take U.S. highway 50 to Jefferson City, with a stop in Linn and a side trip from Jefferson City to Holt Summit, via highway 54. From Jefferson City take U.S. highway 63 south to highway 42, with deliveries in Jefferson City, Westphalia, Freeburg and Vienna. Take highway 42 east to Belle, after delivering to Belle, take highway 28 east to U.S. highway 50, with deliveries in Bland and Owensville. Return to St. Louis via U.S. highway 50-interstate 44, with stops in Gerald Bueford and Union. Route #11 leave St. Louis via interstate 55, north to state highway 4 (Ill.), travel north on highway 4 to Springfield, with stops in Stauton, Worden, Benld, Gillespie, Carlinville, Girard, Auburn and Chatham. After delivery in Springfield, proceed south east on highway 29, with stops at Rochester and Edinburg; and with a side trip on county roads to Mount Auburn. After making deliveries in Taylorville, go south east on state highway 48 to state highway 127, with stops at Palmer and Morrisonville. Go due south on highway 127 to Hillsboro. After delivering in Hillsboro, take highway 16 north east to Nokomis, before taking county roads south to interstate 70, with a delivery in Fillmore and Mulberry Grove. Then return to St. Louis, with stops in Greenville, Pocahontas, Highland and Troy; with side trips to Sorento and Alhambra using state highway 140 and county roads. Route #12 leaves St. Louis via state highway 30 to interstate highway 44, with stops in Fenton, High Ridge, House Springs, Cedar Hill, Dittmer and

St. Clair. Take interstate highway 44 south west to Rolla, with deliveries in Sullivan, Bourbon, Cuba, St. James and Rolla, before returning to St. Louis via highway 44. Route #13 leaves St. Louis via Poplar Street Bridge to state highway 3 (Ill.), go south on highway 3 to state highway 154, with deliveries in Dupon, Columbia, Waterloo and Redbud; and with a side trip to Millstadt on state highway 158. Go east on highway 158 to state highway 4, with stops at Ballwin and Sparta. Take highway 4 to state highway 150, with stops in Steelville and Percy. Take state highway 150 south west to Chester. After deliveries in Chester, take state highway 51 (Mo.) south to Perryville. Then take highway 55 south to Jackson, take highway 61 east to Cape Girardeau. After deliveries in Cape Girardeau, with side trips to Chaffee, Scott City and Elmo, using county roads, take highway 55 north to St. Louis. Route #14 leaves St. Louis via U.S. highway 61 to U.S. highway 24, with stops in Wentzville, Flint Hill, Moscow Mills, Troy, Boling Green, Hannibal and Palmyra. Take highway 24 east to Quincy (Ill.), then take state highway 96 south east to U.S. highway 54; with stops in Payson, Plainville, Kinderhook and Atlas. After delivering to Pittsfield, proceed south west on highway 54 to Louisiana (Mo). Then take state highway 79 south to interstate highway 70, with stops in Clarksville, Elsberry, Winfield and Old Monroe. Return to St. Louis via highway 70. Route #15 leaves St. Louis via interstate highway 70 to state highway 5. Take state highway 5 to state highway 240, with stops in Booneville, Fayette, and Glasgow. Take highway 240 west to U.S. highway 65, take U.S. highway 65 south to state highway 52, with stops in Marshall and Sedalia. Take highway 52 east to highway 5. Take highway 5 south to highway 44 with stops in Versailles, Sunrise Beach, Camdenton and Lebanon; and with side trips to Osage Beach via U.S. highway 54. Return to St. Louis via highway 44. Route #16 leaves St. Louis via highway 55, south to Cape Girardeau. After deliveries in Cape Girardeau, take highway 55 south to Sikeston. After deliveries in Sikeston, take interstate 57 north east to deliver in Cairo (Ill); with a delivery in Charleston. From Cairo, take U.S. highway 62 (Ken) to Paducah. After deliveries in Paducah, take U.S. highway 45 south to highway 121, with a stop in Mayfield. Take state highway 121 east to U.S. highway 641, with a stop in Murray. Take highway 641 south to Paris (Tenn), then take U.S. highway 79 east to interstate highway 24, with stops in Clarksville, Buchanan and Dover. Take interstate highway 24 south east to

Nashville. After deliveries, take U.S. highway 41 north to U.S. highway 60, with deliveries in Springfield, Guthrie (Ken), Hopkinsville, Madisonville and Henderson. From Henderson take U.S. highway 60 west to Morganfield, after delivering, take state highway 56 (Ken) to state highway 13 (Ill) to interstate 57; with stops in Shawneetown, Junction, Harrisburg and Marion. Return to St. Louis via interstate highway 57-64. Route #17 leaves St. Louis via interstate highway 70, west to Lawrence (Kan), with delivery in Blue Springs, and side trip to North Kansas City, using interstate highway 435 and interstate highway 35. After delivering in Lawrence, take state highway 10 (Kan) east to Olathe. After delivering in Olathe, take interstate highway 435-35 to highway 50, with delivery in Raytown. Return to St. Louis via U.S. highway 50 and state highway 13 and interstate highway 70 with stops in Lees Summit and Warrensburg, on highway 50. Route #18 leaves St. Louis via interstate highway 44 south west to U.S. highway 169, with deliveries in Springfield, Carthage, Joplin, Miami (Ok), Vinita and Tulsa. Take highway 169 north to U.S. highway 54, with stops in Coffeetown (Kan), Chanute, and Loa; and with side trips to Independence and Parsons using U.S. highway 60. Return to St. Louis via U.S. highway 54 and state highway 64 (Mo) and interstate highway 44 with stops in Fort Scott (Kan) and Nevada (Mo). Route #19 leaves St. Louis via interstate highway 55-U.S. highway 67. Take U.S. highway 67 south to state highway 135 (Ark) with deliveries in Fredericktown (Mo), Silva, Greenville, Henderickson, Cherokee Pass, Poplar Bluff and Neelyville. After delivering to Corning (Ark), proceed south on highway 135 to U.S. highway 49. After delivering to Paragould, take U.S. highway 49 south to state highway 1. Take highway 1 south to interstate highway 40, with stops in Jonesboro, Harrisburg, Vandale and Forest City. Then take interstate highway 40 east to state highway 20 (Tenn), with stops in Jackson, Brownsville, Memphis and West Memphis (Ark). Take state highway 20 north to interstate highway 155, with delivery in Dyersburg. Take highway 155 west to interstate highway 55 (Mo), take highway 55 north to St. Louis, with stops in Hayti and Portageville; and a side trip to Blytheville (Ark) via interstate highway 55. Route #20 leaves St. Louis via interstate highway 55-64. Go east on highway 64 to state highway 1 (Ill). Take state highway 1 north to highway 50, with stops in Grayville, Mount Carmel and Lawrenceville. Take U.S. highway

50 east to highway 150, with stops in Vincennes (Ind), Wheatland and Washington. Take highway 150 south east to interstate highway 65. Take interstate highway 65 south to U.S. highway 231, with stops in Jeffersonville (Kan), Louisville, Shepardsville, Elizabeth, and Boling Green. Take U.S. highway 231 North east to U.S. highway 60. Take U.S. highway 60 west to U.S. highway 41, with stops in Owensboro and Henderson. Return to St. Louis via U.S. highway 41 and interstate highway 64, with a stop in Evansville (Ind). Route #21 leaves St. Louis via interstate highway 70, east to state highway 63 (Ind), with stops in Vandalia (Ill), Altamont, Effingham, Greenup, Casey and Marshall; and with a side trip to Mattoon and Charleston using interstate highway 57, state highway 16 (Ill), and state highway 130. After delivery to Terre Haute (Ind), take state highway 63 (Ind) north to interstate highway 74, with stops in Clinton, Newport and Cayuga; and with side trip, via state highway 163, to Paris (Ill) and Rockville (Ind). Take interstate highway 74 west to interstate highway 55, with stops in Danville (Ill), Urbana, Champagne, Mahomet, Farmer City and Bloomington; and with side trip to Rantoul, via highway 57 and U.S. highway 136. Return to St. Louis via highway 55 with deliveries in Lincoln. Route #22 leaves St. Louis via U.S. highway 67 north to state highway 9 (Ill), with stops in Jacksonville, Meredosia, Beardstown, Rushville and Macomb. Go east on highway 9 to interstate highway 74, with stops in Bushnell, Canton, Peeking, East Peoria and Peoria. Take highway 74 west to highway 34, and take highway 34 west to highway 61, with stops, on highway 34, in Galesburg, Monmouth and Kirkwood. Take 61 south to St. Louis, with stops in Burlington (Iowa), Fort Madison and Keokuk.

MC 5623 (Sub-5-1TA), filed April 14, 1980. Applicant: ARROW TRUCKING CO., P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. (1) *Machinery, equipment materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (2) machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (a) between points in MT and ND, on the one hand, and, on the other, points in ND, SD, NE, MT,*

WY, CO, KS, OK, TX, and LA, and (b) between points in CO, on the one hand, and, on the other, points, ND, SD, NE, WY, MT, ID, UT, and NM. Supporting shipper(s): There are 25 supporting shippers.

MC 33037 (Sub-5-1TA), filed April 11, 1980. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. *Fertilizer, Fertilizer Materials, and Feed Grade Urea*, From Pryor, OK to points in AR, KS, MO, NE, and TX. Supporting shipper: Kaiser Agricultural Chemicals, 1105 Fifth Street, West Des Moines, Iowa 50265.

MC 35320 (Sub-5-7TA), filed April 11, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common carrier, regular routes general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Oklahoma City, OK and its commercial zone and Denver, CO and its commercial zone serving no intermediate points. Applicant intends to tack or interline with its other regular routes at Oklahoma City, OK and Denver, CO. Route #1 from Oklahoma City, OK over U.S. Hwy. 270 to its junction with U.S. Hwy. 287 at or near Boise City, OK, then over U.S. Hwy. 287 to Denver, CO. Route #2 from Oklahoma City, OK over U.S. Hwy. 270 to its junction with U.S. Hwy. 83 at or near Gray, OK, then over U.S. Hwy. 83 to its junction with U.S. Hwy. 50 at or near Garden City, KS, then over U.S. Hwy. 50 to its junction with U.S. Hwy. 287 at or near Lamar, CO, then over U.S. Hwy. 287 to Denver, CO and return over the same route. Supporting shipper(s): None. Alternate route for the removal of a restriction, the elimination of needless miles as well as for fuel savings. Applicant intends to tack to its existing authority and any authority it may obtain in the future. Common control may be involved.

MC 35320 (Sub-5-8TA), filed April 14, 1980. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common regular, general commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, between Minneapolis/St. Paul, MN and their commercial zones and Denver, CO and

its commercial zone serving no intermediate points. Route 1(a)—Over U.S. Hwy. 169 to its junction with MN Hwy 60, then over MN Hwy 60 to its junction with IA Hwy 60, then over IA Hwy 60 to its junction with U.S. Hwy. 75, then over U.S. Hwy. 75 to its junction with U.S. Hwy. 77, then over U.S. Hwy. 77 to its junction with U.S. Hwy. 6, then over U.S. Hwy. 6 to its junction with U.S. Hwy. 34, then over U.S. Hwy. 34 to its junction with U.S. Hwy. 76, then over U.S. Hwy. 76 to Denver, CO, and return over the same route and; Route 1(b)—From Minneapolis/St. Paul, MN over Interstate Hwy 35 to its junction with Interstate Hwy 80, then over Interstate Hwy 80 to its junction with Interstate Hwy 76, then over Interstate Hwy 76 to Denver and return over the same route, serving no intermediate points. Supporting shipper(s): None. Alternate route for the elimination of needless miles as well as fuel savings.

Note.—Common control may be involved. Applicant intends to tack to its existing authority and any authority it may obtain in the future.

MC 114211 (Sub-5-9TA), filed April 11, 1980. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Kurt E. Vragel, Jr., P.O. Box 420, Waterloo, IA 50704. *Botary weeders; implement hitches; and grain carts*, from Alva, OK, to points in IA, NE, and MN. Supporting shipper: Cullison Manufacturing, P.O. Box 103, Alva, OK 73717.

MC 117815 (Sub-5-4TA), filed April 11, 1980. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, IA 50317. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. (1) *Frozen foodstuffs* from Arlington, TN to points in the U.S. (except AK, HI and TN) in and east of the states of ND, SD, NB, CO, OK and TX and (2) *equipment, materials and supplies* used in the manufacture, distribution, packaging, warehousing and sale of commodities named in (1) above (except in bulk and those requiring special equipment) from DE, GA, IA, IL, MD, MA, NH and NJ to Arlington, TN. Restricted in parts (1) and (2) above to shipments originating at or destined to the facilities of Pure Packed Foods, Inc. Supporting shipper: Pure Packed Foods, Inc. 5885 Jetway Dr., Arlington, Tennessee 38002.

MC 119700 (Sub-5-2TA), filed April 11, 1980. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, MO 64125. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, MO 64105. *Iron or steel*

articles fabricated from structural shapes, plate, from the facilities of Havens Steel Company at or near Ottawa, KS, to points in the States of AR, CO, IL, IN, IA, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, WI and WY. Supporting shipper: Havens Steel Company, 2001 Davis Ave., Ottawa, KS 66067.

MC 136786 (Sub-5-17TA), filed April 11, 1980. Applicant: ROBCO TRANSPORTATION, INC., 4475 N.E. Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Gustafson & Adams, PA, 7400 Metro Boulevard, Suite 411, Edina, MN 55435. *Foodstuffs*, from the plant site of M & M Mars—Snack Master Division at or near Albany, GA, to points in AZ, CA, CO, GA, FL, IL, IN, LA, MA, MD, MI, MN, MO, NC, NJ, OH, OR, PA, TN, TX, and UT. Supporting shipper: M & M Mars, Snack Master Division, P.O. Box 3289, Albany, GA 31706.

MC 135861 (Sub-5-11TA), filed April 14, 1980. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Contract; irregular. *Drugs and medicines* from the facilities of E. R. Squibb & Sons, Inc. at Michigan City, IN, to Morrow, GA, Houston, TX, Mission, KS and Somerset, NJ. Supporting shipper: E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, NJ 08903.

MC 142508 (Sub-5-18TA), filed April 11, 1980. Applicant: NATIONAL TRANSPORTATION, INC., 10610 South 144th Street, Post Office Box 37465, Omaha, Nebraska 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebraska 68137. *Plastic articles, aluminum foil, and materials, equipment and supplies used in the manufacture and distribution of the foregoing commodities* from the facilities of Presto Products, Inc. at Lewiston, UT to Morrow, Atlanta and Norcross, GA and their commercial zones. Supporting shipper: Presto Products, Inc., Chris Fissel, Post Office Box 2399, Appleton, WI 54913.

MC 144227 (Sub-5-1TA), filed April 11, 1980. Applicant: CARMIL, INC., Box 225, Hershey, NE 68143. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, P.O. Box 81849, Lincoln, NE 68501. *Soybean meal*, from Eagle Grove, Manning, Sheldon and Belmond, IA, and St. Joseph and Kansas City, MO, and points in their respective commercial zones, to points in CO. Supporting shipper: The Pillsbury Company, R. M. Bredesen, Merchandiser, Box 2908, Shawnee Mission, KS 66201.

MC 144622 (Sub-5-11TA), filed April 14, 1980. Applicant: GLENN BROTHERS

TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Frozen foods and foodstuffs except in bulk* between the facilities of Bannworth, Inc. at or near La Joya, TX on the one hand and on the other hand, all points in the United States (except AK and HI). Supporting shipper: Bannworth, Inc., P.O. Box 2007C, La Joya, TX 78560.

MC 145175 (Sub-5-1TA), filed April 11, 1980. Applicant: FRED M. CHARLES, SR., R.R. No. 2, Mitchell, Nebraska 69357. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 S. 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. *Mobile homes, modular homes and sections thereof*, (1) from points in NE and West of Cherry, Thomas, Logan, Frontier and Red Willow Counties, NE to points in CO, SD, and WY; and (2) from points in CO, SD and WY to points in the state of NE. Supporting shipper(s): Iseman Division of U.S. Industries, Thomas M. Sherry, Branch Manager, 402 S. Beltline West, Scottsbluff, Nebraska 69361; Stahl Mobile Homes, Henry Stahl, Owner, Box 493, Gering, NE 69341; Harry's Mobile Homes, Inc., Jack Sell, Jr., Manager, Box 465, Minatare, NE 69356; and Clemons Mobile Homes, Inc., J. E. Clemons, 1620 E. Overland, Scottsbluff, NE 69361.

MC 146078 (Sub-5-5TA), filed April 14, 1980. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Charcoal, charcoal briquets, hickory chips, lighter fluid, and materials, equipment, and supplies used in the distribution and manufacture of charcoal and charcoal briquets*, from the facilities of Husky Industries at Branson, Poplar Bluff, and Meta, MO, to all points and places in AL, AR, CO, KS, LA, MS, NM, OK, TN, and TX. Supporting shipper: Husky Industries, 62 Perimeter Center East, Atlanta, GA 30346.

MC 149026 (Sub-5-2TA), filed April 7, 1980. Applicant: TRANS-STATES LINES, INC., 2604 Industrial Park Road, Van Buren, AR 72956. Representative: Larry C. Price, P.O. Box 48, Fort Smith, AR 72901. *Metal articles*, from Fort Smith, AR to points in the U.S. (except AK and HI). Supporting shipper: Flanders Industries, Inc., 1901 Wheeler Avenue, Fort Smith, AR 72902.

MC 150539 (Sub-5-2TA), filed April 11, 1980. Applicant: CSI TRUCKING, INC., Foreign Trade Zone No. 2, Napoleon Avenue and Wharf, New Orleans, Louisiana 70130. Representative: CSI Trucking, Inc., Foreign Trade Zone No.

2, Napoleon Avenue and Wharf, New Orleans, Louisiana 70130. Contract; *Irregular. Flexible metal/synthetic pipe, end-fittings, carrying spools, miscellaneous handling equipment, and other miscellaneous equipment*, between all points in the States of Texas and Louisiana. Supporting shipper: Coflexip and Services Inc., 4242 Southwest Freeway, Suite 533, Houston, Texas 77027

MC 150493 (Sub-5-1TA), filed April 11, 1980. Applicant: CARL HATCHER TRUCKING, INC., Route 3, Antlers, OK 74523. Representative: R. H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. Contract, *irregular. Lumber, posts and poles, treated and untreated*, between the facilities of Julian Lumber Company located in Pushmataha County, OK, on the one hand, and, on the other, points in AR, CO, KS, LA, MS, MO, NE, NM, TN and TX. Supporting shipper: Julian Lumber Company, Rattan, OK 74562.

MC 150564 (Sub-5-1TA), filed April 11, 1980. Applicant: SPRING TRANSPORT, LTD., 4315 South 79th Street, Omaha, NE 68127. Representative: Paul D. Kratz, of Stern & Becker, P.C., Suite 610, 7171 Mercy Road, Omaha, NE 68106. *Insulators, roof bolts, arresters, guy wire fittings, brass valves, cable clamps, and couplers*, from Newell, WV and Mansfield and Barberton, OH to points in CA, CO, IA, IL, KS, MN, MT, MO, ND, SD, TX, WI, and WY. Supporting shipper: The Ohio Brass Company, 380 North Main Street, Mansfield, OH 44902.

MC 150565 (Sub-5-1TA), filed April 11, 1980. Applicant: SUNBELT EXPRESS, INC., 909 South Powell Street, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Such commodities as are dealt in by retail; wholesale and discount department, drug and grocery stores (except in bulk)*, between the facilities of Welch Foods, Inc. at Lawton, MI, on the one hand, and, on the other, all points and places in AR, MO, LA, MS, TN, TX, OK, KS, NE, IA, NM, AL, and KY. Supporting shipper: Welch Foods, Inc., 2 South Portage St., Westfield, NY 14787

Republication

MC 140709 (Sub-5-1TA), filed March 31, 1980. Applicant: FANKHAUSER BROS, INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *(Part 1) Liquid fertilizer*, From the Commercial zone of El Dorado, KS to points in OK and those points in MO south of US Hwy 50 and west of MO Hwy No. 19. *(Part 2) Liquid fertilizer*

solutions, urea and anhydrous ammonia, From the facilities of Terra Chemical Co. at or near Woodward, OK to points in KS, MO and TX. *(Part 3) Liquid fertilizer*, From the facilities of N-REN at or near Pryor, OK to points in KS and points in MO south of US Hwy 50 and west of MO Hwy No. 19. *(Part 4) Dry fertilizer*, From the facilities of Kaiser Agricultural Chemicals, a division of Kaiser Aluminum & Chemical Sales, Inc. at or near Pryor, OK to points in KS and points in MO south of US Hwy 50 and west of MO Hwy No. 19. Supporting shippers: Pro-Mar, Inc., P.O. Box 817, El Dorado, KS 67042; Kaiser Agricultural Chemicals, P.O. Box 65697, West Des Moines, IA 50265; and W. R. Grace & Co., P.O. Box 277, Memphis, TN 38101.

MC 69834 (Sub-19TA), filed January 11, 1980. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. *General commodities, restricted to the transportation of trailer-on-flat-car having an immediate, prior, or subsequent interstate movement by rail*, between all points and places in Sumner, Cowley, and Sedgwick Counties, KS. Supporting shipper(s): Binney & Smith, Inc., P.O. Box 546, Winfield, KS 67156.

MC 3062 (Sub-5-2TA), filed April 10, 1980. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: G. H. Boles (same address as applicant). *Common, Regular. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Cairo, IL and Paducah, KY, over U.S. Highway 60, serving all intermediate points. Supporting shippers: Central Service, Credence Speakers, and Tele-Service, Kevil, KY 42053.

MC 5888 (Sub-5-1TA), filed April 10, 1980. Applicant: MID-AMERICAN LINES, INC., 127 West Tenth Street, Kansas City, MO 64105. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *(a) Aluminum and zinc alloy ingots, and (b) materials and supplies used in the manufacture and distribution thereof*, between Maplo Heights and Cleveland, OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MO, and WI. Supporting shipper: Aluminum Smelting & Refining Co., Inc., 5463 Dunham Road, Maplo Heights, OH 44137

MC 9291 (Sub-5-1TA), filed April 7, 1980. Applicant: CARROL BALL TRANSPORT, INC., P.O. Box 53, 312 E.

Market, Centerville, KS 66014. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Such commodities as are dealt in or used by manufacturers and distributors of containers (except commodity in bulk)* Between the facilities of Hoover Universal, Inc. Beverage Bottling Div., at or near Lenexa, KS on the one hand, and points in OK and NE, on the other hand. Supporting shipper: Hoover Universal, Inc., Beverage Bottling Div., 9939 Widmer, Lenexa, KS 66215.

MC 78400 (Sub-5-3TA), filed April 10, 1980. Applicant: BEAUFORT TRANSFER COMPANY, P.O. Box 151, Gerald, MO 63037. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. *Books, periodicals, pamphlets, and printed matter*, from Owensville, MO, to all points in the U.S. (except AK and HI). Supporting shipper: Custom Printing Company, 920 Maple Street, Owensville, MO 65066.

MC 102567 (Sub-5-5TA), filed April 7, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. *Hexamethylamine Diamine, in bulk, in-tank vehicles*, from the Du Pont plants in commercial zones of Victoria and Orange, TX, to the Du Pont plants in commercial zones of Seaford, DE; Camden, SD; Chattanooga, TN; and Richmond, Martinsville, and Waynesboro, VA. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, DE 19898.

MC 102567 (Sub-5-5TA), filed April 9, 1980. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 13403 Northwest Fwy., Suite 130, Houston, TX 77040. *Chemicals, in bulk, in tank vehicles*, from Lake Charles, LA to points in the U.S. in and East of WI, IL, KY, TN, MS, and to points in TX. Supporting shippers: (1) Conoco, Inc., P.O. Box 2197, Houston, TX 77001; (2) Air Products & Chemicals, 412 Davison Rd., Pasadena, TX 77501.

MC 106398 (Sub-5-15TA), filed April 9, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Lumber and lumber mill products and molding*, from: Points in Oregon and California to: Points in MD, PA, VA, NC, SC, FL, GA, IL, IN, MI, MA, AZ and CO. Restricted to shipments for the account of Deschutes Pines Sales. Supporting

shipper: Deschutes Pines Sales, P.O. Box 1243, Bend, Oregon, Mr. Jim Sproat.

MC 106398 (Sub-5-16TA), filed April 9, 1980. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, Oklahoma 74120. Representative: Gayle Gibson, National Trailer Convoy, Inc., 705 South Elgin, Tulsa, Oklahoma 74120. *Metal products and accessories*, from the facilities of Transall Division (Dick Precismeca, Inc.) at Alabaster, AL to: Points in TX, IA, IL, IN, OH, PA, KY, TN, GA, NM, AR and MS. Supporting shipper: Transall Division (Dick Precismeca, Inc.), P.O. Box 566, Alabaster, AL, Mr. Erskine Minor, Traffic Manager.

MC 107496 (Sub-5-13TA), filed April 8, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check (same address as above), (515) 245-2730. *Liquid clay, in bulk, in tank vehicles*, from Ft. Morgan, CO to points in KS, NE and WY. Supporting shipper: Industrial Mineral Ventures, 16318 Dorcas Street, Omaha, NE 68130.

MC 107496 (Sub-5-14TA), filed April 7, 1980. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, Iowa 50309. Representative: E. Check (same address as above), (515) 245-2730. *Alcohol and gasohol, in bulk, in tank vehicles*, from Rock Port, MO to points in AR, KS and NE. Supporting shipper: American Agri-Fuels Corporation, 1006 Grand Kansas City, MO 64106.

MC 111401 (Sub-5-5TA), filed April 7, 1980. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic, P.O. Box 632, Enid, OK 73701. *Liquefied petroleum gases, in bulk, in tank vehicles*, from Backwell, OK to points in GA, IL, IN and to points in MO south of U.S. Hwy. 50. Supporting shipper: Diversified Chemicals & Propellants Co., 350 E. Ogden Ave., Westmont, IL, 60559.

MC 113908 (Sub-5-6TA), filed March 4, 1980. Applicant: ERICKSON TRANSPORT CORP., 2255 North Packer Road, P.O. Box 10068 G.S., Springfield, MO 65804. Representative: B. B. Whitehead (same address as applicant). *Alcoholic liquors, in bond, in bulk*, from Chicago, IL, and the Commercial Zone thereof, to Long Prairie, MN, and the Commercial Zone thereof. Supporting shipper: Minnesota Distillers, Inc., 609 Sixth Street, NE., Long Prairie, MN 56347.

MC 117686 (Sub-5-2TA), filed April 10, 1980. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd.,

P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach, P.O. Box 417, Sioux City, IA 51102. *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, foodstuffs, commodities in bulk, and those requiring special equipment)* from the facilities of Interstate Consolidation Service, Inc., (ICS), at Los Angeles, CA to points in IA, KS, MN, MO, NE, Denver, CO, Memphis, TN, and Houston and Dallas, TX. Restricted to traffic originating at the named origin and destined to the named destination. Supporting shipper: Interstate Consolidation Service, Inc., 2437 East 14th Street, Los Angeles, CA 90021.

MC 119789 (Sub-5-13TA), filed April 8, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Confectionery and Edible Nuts, in mechanically refrigerated equipment*, from San Dimas, CA to Dallas, TX. Supporting shipper: Betty Zane Corporation, P.O. Box 517, LaVerne, CA 91750.

MC 119789 (Sub-5-14TA), filed April 8, 1980. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., P.O. Box 226188, Dallas, TX 75266. *Meat and Meat Products and Articles Distributed by most packinghouses* from Brownsville, TX to PA and NY. Supporting shipper: Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077.

MC 119968 (Sub-5-5TA), filed April 9, 1980. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Boxes of television sets; recorders (tape or wire); and accessories for television sets and recorders*, from the facilities of the General Electric Company, Little Rock, AR, to all points in the states of LA, MS, NM, OK, and TX. Supporting shipper: General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206.

MC 123476 (Sub-5-1TA), filed April 10, 1980. Applicant: CURTIS TRANSPORT, INC., P.O. Box 388, Arnold, MO 63010. Representative: David G. Dimit (same address as applicant). (1) *Commercial furniture and fixtures* and (2) *materials, equipment and supplies used in the manufacture and distribution of commodities named in (1)*, between the facilities of Falcon Products, Inc. at or near Lewisville, AR on the one hand,

and on the other hand, all points in the U.S. on or east of U.S. Hwy 85. Supporting shipper: Falcon Products, Inc., 9387 Dielman Ind. Dr., St. Louis, MO 63132.

MC 124511 (Sub-5-1TA), filed April 7, 1980. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkan, 39 South La Salle Street, Chicago, IL 60603. *Refractories, refractory products, insulation, insulating materials, and materials, equipment, and supplies used in the manufacture, distribution, and installation of the above commodities, between the facilities of A. P. Green Refractories Company, Inc., at Bessemer and Kimberly, AL, Macon, GA; Goose Lake, IL, Fulton and Mexico, MO; East Greenville, Jackson, and Oak Hill, OH; Climax, Tarentum, and Philadelphia, PA; Woodbridge, NJ; Pueblo, CO; Pryor, OK, Thermo, TX; and Troy, ID on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: A. P. Green Refractories Company, Inc., Green Boulevard, Mexico, MO 65265.*

MC 124813 (Sub-5-5TA), filed April 9, 1980. Applicant: UMTOWN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Representative: Thomas E. Leathy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Dry fertilizer from Omaha, NE, to points in IA. Supporting shipper: Land O' Lakes, 2827 8th Avenue South, Ft. Dodge, IA 50501.*

MC 127204 (Sub-5-1TA), filed April 9, 1980. Applicant: KINDSVATER, INC., P.O. Box 1027, Dodge City, KS 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Liquid fertilizer solutions from the facilities of Chevron Chemical Co. at or near Friend, KS to CO, NE, OK and TX. Supporting shipper: Chevron Chemical Co., 3001 LBJ Freeway, Suite 130, Dallas, TX 75234.*

MC 128273 (Sub-5-2TA), filed April 9, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Television sets, recorders (tape or wire) and accessories for television sets and recorders, from the facilities of General Electric Company, Little Rock, AR, to all points in the States of LA, MS, NM, OK and TX. Restricted to traffic originating at the named facilities. Supporting shipper: General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206.*

MC 128273 (Sub-5-4TA), filed April 10, 1980. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. box 189, Fort

Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *Such commodities as are used or dealt in by producers and distributors of foodstuffs between Humboldt and Memphis, TN, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634.*

MC 129032 (Sub-5-3TA), filed April 10, 1980. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th East Avenue, Tulsa, Oklahoma 74121. Representative: Larry J. Kramer, 5656 South 129th East Avenue, Tulsa, Oklahoma 74121. *Sugar, from Supreme, Louisiana to the facilities of Bunte Candies, Inc. at Oklahoma City, OK. Supporting shipper: Bunte Candies, Inc., 129 East California, Oklahoma City, OK 73126.*

MC 129908 (Sub-5-12TA), filed April 9, 1980. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Okla. City, OK. 73107. Representative: T. B. Blaylock, 8125 S.W. 15th St., Oklahoma City, OK 73107. *Ammunition, explosives and fireworks, Classes A, B and C between the Naval Weapons Station, Concord, CA on the one hand and on the other the Navajo Activity Depot, near Flagstaff, AZ, Hawthorne Army Ammunition Plant, near Hawthorne, NV, Fort Wingate Depot, near Gallup, NM and Umatilla Army Depot, near Ordnance, OR. Supporting shipper: U.S. Naval Weapons Station, Transportation Officer, Concord, CA 94520.*

MC 134467 (Sub-5-4TA), filed April 10, 1980. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, AR 72764. Representative: Charles M. Williams, Kimball, Williams & Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, Colorado 80203, (303) 839-5856. (1) *meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Del Pero Mondon of Arkansas, Inc. at or near Booneville, Ar, to points in the United States (except AR, AK and HI); and (2) (a) meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificate, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) and, (b) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (1) above, from points in the United States (except AK, AR and HI), to the facilities of Del Pero*

Mondon of Arkansas, Inc. at or near Booneville, AR. Supporting shipper: Del Pero Mondon of Arkansas, Inc., P.O. Box 200, Booneville, AR 72927

MC 135070 (Sub-5-10TA), filed April 9, 1980. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. (1) *Printed matter, and (2) materials and supplies used in the manufacture of the commodities named in (1), above, from the facilities of Time, Inc., at or near Chicago, IL, to Dallas, TX; Tulsa and Oklahoma City, OK, Denver, CO; and Los Angeles, CA. Supporting shipper: Time, Inc., Patrick A. Smith, General Traffic Manager, 303 East Ohio Street, Chicago, IL 60611.*

MC 135415 (Sub-5-1TA), filed March 17, 1980. Applicant: TEX-AM CARRIERS, INC., P.O. Box 246, Oakland, Iowa 51560. Representative: F. E. Myers (same as applicant). Contract; *Irregular. Petroleum Lubricating Oil in bulk, in tank vehicles, from: The facilities of Shell Oil Company, at or near Roxana, IL to: Points and places in IA and NE. Supporting shipper: Allied Oil and Supply Inc., 2209 South 24th Street, Omaha, Nebraska 68105.*

MC 135797 (Sub-5-24TA), filed April 3, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esquire (same as applicant). *Such commodities as are dealt in or used by retail discount or variety stores (except in bulk) from the commercial zones of Baltimore, MD; Chicago, IL and New York, NY to points in FL. Restricted to traffic originating at or destined to the facilities of Montgomery Ward. Supporting shipper: Montgomery Ward, 535 West Chicago Avenue, Chicago, IL 60671.*

MC 138469 (Sub-5-4), filed April 9, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. *Canned goods from points in IA and CA to Stroud, OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. Supporting shipper: Allied Institutional Distributing Company, P.O. Drawer R, Stroud, OK 74079.*

MC 138469 (Sub-5-6TA), filed April 9, 1980. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Foodstuffs (except in bulk, in tank vehicles), from the facilities of Anderson Clayton Foods at*

or near Sherman, TX to points in AR and OK, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Supporting shipper: Anderson Clayton Food, P.O. Box 226165, Dallas, TX 75268.

MC 140709 (Sub-5-2TA), filed April 9, 1980. Applicant: FANKHAUSER BROS., INC., 139 Hillside, El Dorado, KS 67042. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Liquid fertilizer solutions*, from the facilities of Chevron Chemical Co., at or near Friend, KS to CO, NE, OK, TX and NM. Supporting shipper: Chevron Chemicals Co., 3001 LBJ Freeway, Suite 139, Dallas, TX 75234.

MC 140829 (Sub-5-14TA), filed April 7, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: David L. King, Vice President (same as applicant). *Foodstuffs (except in bulk, in tank vehicles)*, between those points in the United States in and east of MT, WY, CO and NM, restricted to the transportation of traffic originating at or destined to the facilities utilized by Wilco Trading Company. Supporting shippers: Wilco Trading Company, P.O. Box 804, Lakewood, NJ 08701.

MC 140829 (Sub-5-15TA), filed April 9, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. Representative: David L. King, Vice President, P.O. Box 206, U.S. Hwy. 20, Sioux City, IA 51102. *Adhesives, plastic film, plastic sheeting, and vinyl wall covering and accessories, and materials, equipment and supplies used in the manufacture and distribution of commodities above (except in bulk in tank vehicles)*, from Bainbridge and Glen Cove, NY to points in TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destination. Supporting shipper(s): Borden, Inc., 180 East Broad Street, Columbus, OH 43215.

MC 141865 (Sub-5-1TA), filed April 10, 1980. Applicant: ACTION DELIVERY SERVICE, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: Clayte Binon, 1108 Continental Life Building, Fort Worth, Texas 76102. Contract; Irregular. *Such merchandise as is dealt in by home products distributors*, from the warehouse and storage facilities of Amway Corp. at Des Moines, IA to points in KS and MO. Supporting shipper: Amway Corp.-Michigan RDC, 7575 East Fulton Rd., Ada, MI 49355.

MC 142431 (Sub-5-2TA), filed April 10, 1980. Applicant: WAYMAR TRANSPORT CORP., 1755 S.E. 108th

Street, Runnells, IA 50237. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Feed supplements and feed ingredients* from Des Moines, IA, to points in AL, CA, FL, GA, IL, IN, KS, LA, MN, MS, MO, NE, NM, NY, OH, OK, PA, TX and WI; *equipment, materials and supplies used in the manufacture and distribution of feed supplement and feed ingredients* from above states to Des Moines, IA. Supporting shipper: Kemin Industries, Inc., 2100 Maury Street, Des Moines, IA.

MC 142757 (Sub-5-1TA), filed April 9, 1980. Applicant: ROBERTSON TRUCKING, INC., P.O. Box 100, Elkhart, KS 67950. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Liquid fertilizer solutions*, from the facilities of Chevron Chemical Co at or near Friend, KS to CO, NE, OK, TX, and NM. Supporting shipper: chevron Chemical Co., 3001 LBJ Freeway, Dallas, TX 75234.

MC 143433 (Sub-5-3TA), filed April 9, 1980. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING CO., 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, Morgan Brown & Schneider, P.O. Box 1540, Edmond, OK 73034. *Meat, meat products and meat by-products, and articles distributed by meatpacking houses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)*, from points in AR, CO, FL, IL, KS, NM, and TX to the facilities of Cusack Wholesale Meats, at or near Oklahoma City, OK. Supporting shipper: Cusack Wholesale Meats, P.O. Box 25111, Oklahoma City, OK 73125.

MC 143646 (Sub-5TA), filed April 10, 1980. Applicant: KEITH BOTKINS TRUCKING, INC., 112 West Rollins Street, Moberly, Missouri 65270. Representative: Thomas P. Rose, Attorney at Law, P.O. Box 205, Jefferson City, MO 65102. *Wooden Mats*, from Randolph County, MO to points in AR, IL, IN, KS, KY, OH and OK. Supporting shipper: Hill Timber & Mfg. Co., P.O. Box 643, Clifton Hill, MO 65244.

MC 144622 (Sub-10TA), filed April 8, 1980. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same address as applicant). *Polyurethane resins, vinyl resins, toys and all materials included in the manufacture and distribution of toys (except commodities in bulk)* between the facilities of Sun Products located at or near Carrollton, GA on the one hand and on the other hand, points in the

United States (except AK and HI). Supporting shipper: Sun Products Corporation, P.O. Box 1280, Carrollton, GA 30117.

MC 144858 (Sub-5-3TA), filed April 8, 1980. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, Arkansas 72219. Representative: Nola L. Bradley, P.O. Box 9799, Little Rock, Arkansas 72219. Boxes of television sets, recorders (tape or wire); and accessories for television sets and recorders, from the facilities of the General Electric Company located at or near Little Rock, Arkansas to Points in LA, MS, NM, OK and TX. Supporting shipper(s): The General Electric Company, 901 Landsey Road, Little Rock, AR.

MC 145149 (Sub-5-1TA), filed April 9, 1980. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, 4111 E. 37th St. North, Wichita, KS 67201. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. *Liquid fertilizer solutions*, from the facilities of Chevron Chemical Co., at or near Friend, KS to CO, NE, OK, TX and NM. Supporting shipper: Chevron Chemical Co., 3001 LBJ Freeway, Suite 130, Dallas, TX 75234.

MC 145441 (Sub-5-12TA), filed April 7, 1980. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, Arkansas 72119. Representative: Ralph E. Bradbury, P.O. Box 5130, North Little Rock, Arkansas 72119. *Such merchandise as is dealt in by wholesale, retail discount and variety stores*, from points in the United States to the facilities of Wal-Mart Stores, Inc., located in Arkansas and Texas. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

MC 145317 (Sub-5-1TA), filed April 18, 1980. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, Texas 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, Texas 78768. *Fly ash, in bulk*, from points in Fort Bend County, TX, to points in LA. Supporting shipper: Ash Management Systems, Inc., P.O. Box 850, Richmond, TX 77469.

MC 145470 (Sub-5-1TA), filed April 10, 1980. Applicant: ALL FREIGHT SYSTEMS, INC. (a Kansas Corporation), 1026 South 10th Street, Kansas City, Kansas 66105. Representative: Donald J. Quinn, Attorney at law, Suite 900, 1012 Baltimore, Kansas City, Missouri 6410. *Contract irregular Railway car parts, mounted wheel sets with bearings and materials and supplies used in the manufacture, repair and distribution of railway car parts*, between the facilities of STI of Kansas, Inc., a subsidiary of the North American Car Corporation at

Kansas City, Mo. on the one hand, and, on the other, all points in the United States except AK and HI under a continuing contract with STI of Kansas, Inc., a subsidiary of North American Car Corporation of Kansas City, Mo. Supporting shipper: STI of Kansas, Inc. Subsidiary of North American Car Corporation, 1109 So. 12th St., Kansas City, KS 66105.

MC 146051 (Sub-5-1TA), filed April 18, 1980. Applicant: WITTENBURG TRUCK LINE, INC., Box 99, Readlyn, IA 50668. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Dry fertilizer* from Omaha, NE, Whitewater, WI, to points in IA; *liquid fertilizer* from East Dubuque, IL, to points in IA and WI; *liquid fertilizer* from Dubuque, IA, to points in WI. Supporting shipper: Kaiser Agricultural Chemicals, 1105 5th St., West Des Moines, IA 50265.

MC 147536 (Sub-5-3TA), filed March 24, 1980. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton, P.O. Box 1567, Joplin, MO 64801 (same as Applicant). *Foodstuffs (except in bulk)* from Battle Creek, MI; and, Lancaster and Sharonville, OH, to Oklahoma City, OK. (Restricted to shipments originating at or destined to the facilities of Ralston Purina Company.) Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 147676 (Sub-5-2TA), filed April 1, 1980. Applicant: KEATON TRUCK LINES, INC., 1000 South Lelia Street, P.O. Box 1187, Texarkana, Texas 75501. Representative: Patsy R. Washington, CPA, 1000 South Lelia Street, P.O. Box 1187, Texarkana, Texas 75501. Contract Carrier—irregular route: *Weed Killing Compounds and Benzoic Acid in containers and packages, in straight or mixed shipments*, from the facilities of Velsicol Chemical Corp. at or near Beaumont, TX to all points in CA and to the commercial zones of Billings, MT, Portland, OR, Spokane, WA and Worland, WY. Supporting shipper: Velsicol Chemical Corporation, 341 E. Ohio, Chicago, Illinois 60611.

MC 147861 (Sub-5-1TA), filed April 9, 1980. Applicant: THE STANDISH CORPORATION, 339 South Leonard, Liberty, MO 64068. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. Contract, irregular *copper water tubing and fittings and brass, bronze and No. 1 copper pipe or tubing and fittings*, (1) From Wynne, AR to Independence, Springfield and Cape Girardeau, MO, St. Louis Commercial Zone, Council Bluffs and Des Moines, IA and Omaha and

Lincoln, NE, (2) From Independence, MO to Council Bluffs and Des Moines, IA, Omaha and Lincoln, NE and St. Louis Commercial Zone. Supporting shipper: Cambridge-Lee Industries, Inc., P.O. Box 259, Independence, MO 64051.

MC 148982 (Sub-5-1TA), filed March 25, 1980. Applicant: AVONDALE TRUCKING COMPANY, INC., 9801 West Bank Expressway, P.O. Box 9178, Bridge City, LA 70094. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. *General commodities, (except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, articles requiring special equipment, and commodities in bulk), in intermodal cargo containers, and empty intermodal cargo containers* between Mobile, AL, Pascagoula and Gulfport, MS, New Orleans, Bridge City, and Port Allen, LA; Restriction: to traffic having a prior or subsequent movement by water. Supporting shippers: 10 supporting shippers.

MC 149210 (Sub-5-3TA), filed April 3, 1980. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esquire, P.O. Box 130, Lowell, AR 72745. Contract; irregular. *Meat, meat products, meat by-products and articles distributed by meat packing houses as described in Sections A and C of Appendix I of the report in Description on Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk)*. From the facilities of Iowa Beef Processors, Inc. at or near Dakota City, NE; Emporia and Wichita, KS; and Amarillo, TX to points in CT, DE, DC, FL, GA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, NE 68731.

MC 150311 (Sub-5-6TA), filed April 7, 1980. Applicant: P & L MOTOR LINES, INC., P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Malt beverages*, from Pabst (Houston County), GA, Peoria and Belleville, IL, St. Paul, MN, and Philadelphia, PA, to points in OK and TX. Supporting shippers: Pabst Brewing Co., 917 Juneau, Milwaukee, WI 53201, Central Beverage Co., 2601 Perth St., Dallas, TX 75220, Metro Dist. Co., 3200 Yuma, Fort Worth, TX 76101, and Faith Dist. Co., P.O. Box 307, Ennis, TX 75119.

MC 150425 (Sub-5-1TA), filed April 7, 1980. Applicant: TRANS CONTINENTAL EXPRESS, INC., P.O. Box D, Clarksville, TX 75426. Representative: Tony Hinkle, P.O. Box 434, Euless, TX 76039. *Meat, meat*

products, meat by-products, and articles distributed by meat packinghouses as described in Section A and C Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides, skins, and commodities in bulk) from the facilities of John Morrell and Company at or near Shreveport, LA to Montgomery, AL. Supporting shipper: John Morrell and Company, 208 South LaSalle Street, Chicago, IL 60604.

MC 150521 (Sub-5-1TA), filed April 7, 1980. Applicant: HUMISTON FARMS, Route 1, Box 144, Muleshoe, TX 79347. Representative: Richard Hubbert, Sims, Kidd, Hubbert & Wilson, P.O. Box 10236, Lubbock, TX 79408, (806) 763-8555. *Irrigation systems and parts, materials and supplies used in the manufacture, assembly and distribution of irrigation systems*, from Gering, NE, to points in TX. Supporting shipper: Campbell Irrigation Systems of Muleshoe, 604 North First Street, Muleshoe, TX, 79347

MC 150534 (Sub-5-1TA—filed April 9, 1980. Applicant: ENERGY SALES INC., Highway 181 South, P.O. Box 128, Cabool, Missouri 65689. Representative: Jack H. Blanshan, Attorney at Law, 205 West Touhy, Suite 200, Park Ridge, Illinois 60068. *Asphalt* from the facilities of Ashland Petroleum Co., Division Ashland Oil, Inc. at Kuttawa, KY and points in its commercial zone, to Cabool, MO and points in its commercial zone. Supporting shipper: Ashland Petroleum Company, Division of Ashland Oil, Inc., P.O. Box 391, Ashland, Kentucky 41101.

MC 150537 (Sub-R5-1TA), filed April 10, 1980 Applicant: VERL PRAY SHELLING AND TRUCKING, INC., Route 2, Alden, IA 50006. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Machine tools, honing machines, and processed tubing, and materials and supplies used in the production, sale and distribution of machine tools, honing machines and processed tubing*, between the facilities of Century Machine, Inc. at Coulter, IA on the one hand, and, on the other, points in the United States, (except AK and HI). Supporting shipper(s): Century Machine, Inc. P.O. Box 30, Coulter, IA 50431.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 149195 (Sub-6-3TA), filed April 17, 1980. Applicant: ARCADIAN MOTOR CARRIERS, 1831 Simpson, Kingsburg, California 93631. Representative: James F. Hauenstein (same address as applicant). *Seat belts and seat belt parts and the material and supplies used in*

the manufacture of seat belts and seat belt parts. (Restricted to traffic from the facilities of the American Safety Equipment Corporation) between Fresno, Ca., Los Angeles, Ca. and Palmyra, Mo. on the one hand and the international boundary line between the U.S. and Mexico at Brownsville, Tx. on the other. For 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: American Safety Equipment Corporation, 501 4th Street, San Fernando, Ca.

MC 52793 (Sub-6-4TA), filed April 16, 1980. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, DC 20004. *New furniture and new office furniture*, from points in NY to points in WI, IN, IL and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Supreme Equipment & Systems Corp., 170-53rd St., Brooklyn, NY 11232.

MC 67156 (Sub-6-2TA), filed April 17, 1980. Applicant: CONTAINER TRANSPORT COMPANY, Division of Fibreboard Corporation, Foot of Fourth Street (P.O. Box 1409), Antioch, CA 94509. Representative: P. W. Pollock (same as applicant). *Contract Carrier, Irregular routes: Wood Particleboard in sea van containers*, from Sacramento, CA to Oakland and San Francisco, CA for export by water carriers, and *empty sea van containers* from Oakland and San Francisco, CA to Sacramento, CA, for the account of Hanjin Container Lines, Ltd., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hanjin Container Lines, Ltd., 2150 Franklin Street, Suite 610, Oakland, CA 94612.

MC 138941 (Sub-6-1TA), filed April 16, 1980. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1110 South Reservoir Street, Pomona, CA 91766. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. *Contract Carrier, Irregular routes, Paper Bags*, between the facilities of Mobil Chemical Company, Plastics Division, on the one hand, and, on the other, points in the U.S. (except AK and HI) under a continuing contract or contracts with Mobil Chemical Company, Plastics Division, Macedon, N.Y. for 180 days. Supporting shipper: Mobil Chemical Company, Plastics Division, Macedon, N.Y. 14502.

MC 147117 (Sub-6-1TA), filed April 16, 1980. Applicant: W. B. CUDDEBACK, 12024 Woodside Ave., Lakeside, CA 92040. Representative: Fred H. Mackensen, c/o Murchison & Davis, 9454 Wilshire Blvd., Suite 400, Beverly

Hills, CA 90212. *Contract carrier, irregular routes, cast iron pipe, cast iron articles, steel pipe nipples, plastic fittings and stainless steel couplings*, between the facilities of Universal Cast Iron Manufacturing Co., in South Gate, CA, on the one hand, and, on the other, all points in the U.S. for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper: Universal Cast Iron Manufacturing Co., South Gate, CA.

MC 69454 (Sub-6-1TA), filed April 17, 1980. Applicant: DITTO FREIGHT LINES, 1575 Industrial Avenue, San Jose, CA 95112. Representative: Walter H. Walker, III, Handler, Baker, Greene & Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Recyclable scrap paper and paper stock* from Phoenix, Yuma and Tucson, AZ to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: V & C Company, 261 E. Colorado Blvd., Pasadena, CA 91101; Friedman Recycling, 3640 W. Lincoln St., Phoenix, AZ 85009; Ecology Paper Products, 420 S. 48th St., Phoenix, AZ 85034.

MC 125433 (Sub-6-18TA), filed April 16, 1980. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). (1) *Outdoor recreational equipment and materials, equipment and supplies* used in the manufacture, distribution and assemblage of the above, between the facilities of The Coleman Company at or near New Braunfels, TX, on the one hand, and, on the other, points in the United States (except AK and HI), and (2) *sailboats and equipment, material and supplies* used in the manufacture, distribution and assemblage of sailboats, between the facilities of The Coast Catamaran Company, a subsidiary of The Coleman Company, at or near Oceanside, CA, on the one hand, and, on the other, points in the United States (except AK and HI) for 180 days. Supporting shipper: The Coleman Company, 250 North St., Francis Avenue, Wichita, Kansas 67201.

MC 150460 (Sub-6-1TA), filed April 17, 1980. Applicant: GRAVES TRUCKING, 6121 Old Seward Highway, Anchorage, Alaska 99502. Representative: Richard C. Graves, P.O. Box 8-C, Anchorage, Alaska 99508. *General commodities* (except class A & B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, and commodities which require the use of special equipment). Between Anchorage, Alaska and the commercial zones on one hand, and on

the other, Cordova, Alaska and the commercial zone, for 180 days. Carrier intends to interline traffic. Supporting shippers: There are eight shippers. Their statements may be examined at the regional office listed.

MC 128917 (Sub-6-2TA), filed April 17, 1980. Applicant: HAND TRUCK LINE INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, ID 83701. *Fly Ash*, between points in UT, WY, CO, NM, AZ, NV and ID, for 180 days. Supporting shipper: Pozzolanite Northwest, Inc., 2448 76th S.E., Suite 222, Mercer Island, WA 98040.

MC 109689 (Sub-6-3TA), filed April 11, 1980. Applicant: W. S. HATCH CO., P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, Suite 400, Salt Lake City, UT 84101. *Hydrochloric Acid*, in bulk, from Portland, OR and Tacoma, WA to Little Mountain, UT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Zirconium, Inc., P.O. Box 3208, Ogden, UT 84409.

MC 88161 (Sub-6-1TA), filed April 18, 1980. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue So., Seattle, WA 98108. Representative: Stephen A. Cole (same address as applicant). *Liquid resins*, in bulk, in tank vehicles, and when moving in mixed shipments with liquid resins, in bulk, on the same vehicle, *resin catalysts*, in drums or bags; from Longview, WA to points in OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Weyerhaeuser Company, Tacoma, WA 98477.

MC 135241 (Sub-6-2TA), filed April 16, 1980. Applicant: PAPER TRANSPORTATION SPECIALISTS, INC., 13635 S.W. Edy Road, Sherwood, OR 97140. Representative: John A. Anderson, Suite 1440, 200 S.W. Market Street, Portland, OR 97201. *Contract carrier, irregular routes: newsprint, in rolls*, from Longview, WA, Oregon City, OR and points within a 3 air mile radius of Newberg, OR, to the facilities of Treasure Chest Advertising Company, Inc. at or near Portland, OR, and Glendora, Sacramento and City of Industry, CA, under continuing contract(s) with Treasure Chest Advertising Company, Inc., City of Industry, CA, for 180 days. Supporting shipper: Treasure Chest Advertising Company, Inc., 15354 Stafford Rd., City of Industry, CA 91744.

MC 148377 (Sub-6-2TA), filed April 16, 1980. Applicant: R & W SERVICES, INC., 35301 Farnham Drive, Newark, CA 94560. Representative: Eldon M.

Johnson, 850 California Street, Suite 2808, San Francisco, CA 94108. *Urea formaldehyde resins, in bulk, in tank vehicles* from the facilities of Borden Chemical, Division of Borden, Inc. at Fremont, CA to points in AZ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Borden Chemical, Div. of Borden, Inc., 200 112th N.E., Bellevue, WA 98004.

MC 52709 (Sub-6-5TA), filed April 17, 1980. Applicant: RINGSBY TRUCK LINES, INC., P.O. Box 7240, 3980 Quebec St., Denver, CO 80207. Representative: Rick Barker (same as applicant). *Fabricated sheet metal duct work, and accessories and tools used in the installation thereof*, from the facilities of Superior Air Handling Corp., at or near Clearfield, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Superior Air Handling Corporation, Freeport Center Station, Clearfield, UT 84016.

MC 77061 (Sub-6-6TA), filed April 16, 1980. Applicant: SHERMAN BROS., INC., P.O. Box 706, Eugene, OR 97440. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205. *Iron and steel articles* between the facilities of Gilmore Steel Corporation at Portland, OR and Eugene, OR on the one hand and Alameda County, CA on the other hand, for 180 days. Supporting shipper: Gilmore Steel Corporation, P.O. Box 03008, Portland, OR 97203.

MC 26396 (Sub-6-21TA), filed April 17, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Inedible corn flour, inedible starch, and sealing compounds* (except in bulk, in tank vehicles), from Duluth, MN and points in its commercial zone, to points in WY, ND, SD, MT and ID, for 180 days. Supporting shipper: Chemstar Products Company, P.O. Box 19086, Minneapolis, MN 55419.

MC 117786 (Sub-6-9TA), filed April 16, 1980. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. *Drugs, medicines, and such commodities as are dealt in by wholesale and retail food chains, cosmetic dealers, drug stores, hospitals, discount variety stores and grocery houses*, from the facilities of Bristol-Myers Company in Atlanta, GA to points in FL, AL, MS, TN, KY, OH and SC, for 180 days. Supporting shipper: Bristol-Myers Company, 5625 Fulton Industrial Blvd., Atlanta, GA 30336.

MC 148526 (Sub-6-1TA), filed April 11, 1980. Applicant: WORLD WIDE JOYE TOURS, INC., 4222 W. Alamos Street, Suite 102, Fresno, California 93711. Representative: William R. Daly, P.O. Box 20521, San Diego, California 92120. *Passengers and their baggage in the same vehicle* with passengers in charter operations and/or special operations with escorted tour service. Beginning and ending in Fresno County, CA, extending to all points in the United States, including Alaska but excluding Hawaii for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are 12 shippers, whose statements may be examined at the Regional office listed.

MC 147800 (Sub-6-4TA), filed April 14, 1980. Applicant: ABBLEY TRANSPORT, INC., 1931 West Winton Ave., Hayward, CA 94621. Representative: Philip C. Skofstad, 1525 NE Weidler, Portland, OR 97232. *Iron and Steel Articles*, between points in CA, OR, IL and NY on the one hand, and, on the other CA, OR, WA, ID, NV, AZ, UT, MT, WY, CO, NM, TX, OK, KS, NE, SD, ND, MN, IA, MO, AR, LA, KY, TN and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Metal Purchasing Company, Inc., Michael Cohen, President, 95 Market St., Oakland, CA 94623.

MC 116544 (Sub-6-5TA), filed April 15, 1980. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Paper or plastic articles* including but not limited to coffee filters, paper cups, baking cups, drinking cups, dishes, napkins, pails, placemats, plastic lids or covers, plastic knives, forks, or spoons from Santa Clara, CA to CO, OR, UT, St. Albans, VT, and WA, restricted to shipments originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper: Fonda Royal Lace, Division of Saxon Company, 2436 Lafayette Street, Santa Clara, CA 95050.

MC 52793 (Sub-6-2TA), filed April 15, 1980. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St NW., Washington, D.C. 20004. *Furniture and fixtures (crated and uncrated)*, from East Glastonbury, CT, to points in MI, IL, IN, WI, MN, IA, MO and AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Peerless Woodworking Corp., 32 Roaring Brook Plaza, East Glastonbury, CT 06025.

MC 52793 (Sub-6-3TA), filed April 15, 1980. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., N.W., Washington, DC 20004. *Steel doors, security doors, elevator doors and entrances, door frames, doors, partitions and office systems, and parts, materials and supplies used in the installations thereof*, from points in NY to points in the United States (except AK and HI), for 180 days. Supporting shippers: Steel Door Corp., Division of Acme Steel Partition Co., Inc., 513 Porter, Brooklyn, NY 11222 and Williamsburg Steel Products Co., Inc., 73 Paidge Ave., Brooklyn, NY 11222.

MC 129994 (Sub-6-2-TA), filed April 11, 1980. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Salt Lake County, UT 84107. Representative: Marilyn McNeil (same address as applicant). *Expanded plastic articles, insulated building and roofing panels, and supplies*, from Salt Lake City, UT to points in AZ, CA, CO, NV, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Panelera, 1857 South 3850 West, Salt Lake City, UT 84104.

MC 035989 (Sub-6-1TA), filed April 11, 1980. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Avenue, Chino, CA 91710. Representative: William J. Lippman, Suite 330 Steele Park, 50 South Steele Street, Denver, CO 80209. *contract carrier, irregular routes, manufactured non-ferrous alloys and processed non-ferrous scrap* from Baltimore, MD to points in IN, MI, WI, IL, CA, UT, PA and MO under contract(s) with Ansam Metals Corporation, for 180 days. Supporting shipper: Ansam Metals Corporation, 1026 E. Patapsco Ave., Baltimore, MD 21225.

MC 113678 (Sub-6-7TA), filed April 14, 1980. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as above). *Meat, meat products, meat by-products, and articles distributed by packing-houses* (except in bulk) from Downs, KS, to points in CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pork Packers International, Inc., Downs, KS.

MC 144547 (Sub-6-2TA), filed April 11, 1980. Applicant: DURA-VENT TRANSPORT CORP., P.O. Box 2249, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th Street N.W., Washington, DC 20006. *Contract carrier: irregular routes: candy, chewing gum, cough drops,*

cosmetics, drugs, medicines, toilet preparations and equipment and supplies used in the manufacture and distribution thereof, except commodities in bulk: between points in the United States (except AK and HI), and restricted to traffic originating at or destined to the facilities and vendors of Warner Lambert Company, its affiliates, subsidiaries and divisions, for 180 days. Supporting shipper: Warner Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950.

MC 35227 (Sub-6-3TA), filed April 11, 1980. Applicant: EDSON EXPRESS, INC., P.O. Box 887, Longmont, Colorado 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colorado 80209.

Common carrier, regular routes: General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Cheyenne, WY, and Cody, WY, serving the intermediate points of Basin, Greybull, Lovell and Powell, WY, over the following described routes: (1) From Cheyenne over U.S. Hwy 87 and Interstate Hwy 25 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 310, then over U.S. Hwy 310 to junction Alternate U.S. Hwy 14, then over Alternate U.S. Hwy 14 to Cody, and return over the same route; and (2) From Cheyenne over U.S. Hwy 30 and Interstate Hwy 80 to junction WY Hwy 789, then over WY Hwy 789 to junction WY Hwy 120, then over WY Hwy 120 to junction U.S. Hwy 16, then over U.S. Hwy 16 to Cody, and return over the same route for 180 days. The statements of 129 shippers may be examined at the regional office listed.

MC 35227 (Sub-6-4TA), filed April 15, 1980. Applicant: EDSON EXPRESS, INC., P.O. Box 887, Longmont, Colorado 80501. Representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colorado 80209.

Common carrier, regular routes: General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between Basin, WY and Billings, MT, serving the intermediate points of Greybull and Lovell, WY, and the off-route points of Powell and Cody, WY, over the following described route: From Basin over U.S. Hwy 16 to junction U.S. Hwy 310, then over U.S. Hwy 310 to junction U.S. Hwy 10 and Interstate Hwy 90 (near Laurel, MT), then over U.S. Hwy 10 and Interstate Hwy 90 to Billings, and return over the same route,

for 180 days. (The statements of 142 shippers may be reviewed at the Regional office listed.)

MC 9325 (Sub-6-1TA), filed April 15, 1980. Applicant: K LINES, INC., 17765 S.W. Boones Ferry Road, P.O. Box 1348, Lake Oswego, OR 97034. Representative: John A. Anderson, Suite 1440, 200 S.W. Market Street, Portland, OR 97201.

Liquid fertilizer, in bulk, from points in Benton County, WA to points in ID, OR, and Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta and Lassen Counties, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Chevron Chemical Co., P.O. Box 6148, Kennewick, WA 99336.

MC 134357 (Sub-6-1TA), filed April 15, 1980. Applicant: KLAMATH FALLS FREIGHT, INC., 3122 Hilyard Street, Klamath Falls, Oregon 97601.

Representative: Earl McCracken, 3122 Hilyard Street, Klamath Falls, Oregon 97601. (1) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those requiring special equipment): From and to all points in Klamath County, OR, in conjunction with regular route service, and those points in CA served over Highway 139 and five miles either side thereof between Newell, CA and the OR borders junction point with OR Highway 39, for 180 days. Supporting shipper(s): There are (8) shippers. Their statements may be examined at the Regional Office listed.

MC 138237 (Sub-6-2TA), filed April 14, 1980. Applicant: METRO HAULING, INC., P.O. Box 88824, Tukwila Branch, Seattle, WA 98188. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. (1) *Lumber and wood products* from points in Kootenai, Benewah, Latah and Nez Perce Counties, ID to King and Pierce Counties, WA; and (2) *steel pipe* from Seattle, WA commercial zone to Bonner County, ID for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Best Pipe & Steel, Inc., P.O. Box 88779, Kent, WA 98031; KMJ International, Inc., P.O. Box 238, Mountlake Terrace, WA 98043; Timber Components, Inc., 1200 Westlake Avenue North #414, Seattle, WA 98109.

MC 117589 (Sub-6-1TA), filed April 15, 1980. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, WA 98108. Representative: Michael D. Duppenhaler, 211 South Washington Street, Seattle, WA 98104. *Meat, Meat Products, Meat By-Products and articles distributed by meat packinghouses as described in Appendix I to the report in*

descriptions in motor carrier certificates, 61 M.C.C. 209 and 766, between points in WA, OR, ID, CO, MT, WY, and UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boxed Meats of America, 620 South Andover Street, Seattle, WA 98108; K & N Meats, 2900 4th Avenue South, Seattle, WA 98134.

MC 135221 (Sub-6-4TA), filed April 14, 1980. Applicant: DICK SIMON TRUCKING, INC., 5140 S. 2050 East, P.O. Box 26725, Salt Lake City, UT 84125. Representative: R. D. Simon (same as applicant). *Juvenile furniture*, between the facilities of Graco Children's Products at or near Blue Ball, Elverson and Hallam, PA, Rochester, NY and West Rutland, VT on the one hand, and on the other, to AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Graco Children's Products, Inc., Elverson, PA 19520.

MC 26396 (Sub-6-20TA), filed April 15, 1980. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, Montana 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebraska 68501. *Scrap and recycled materials*, between: Junction City, KS; Pueblo, CO; Davenport, IA; Ft. Scott, KS; Wichita, KS; Lewisport, KY; Grand Rapids, MI; Cartersville, MO; Malden, MO; New Madrid, MO; Auburn, NE; Omaha, NE; Memphis, TN; Lawton, OK, Sapulpa, OK, and Lone Star, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Aaron Ferer & Sons Company, 909 Abbott Drive, Omaha, NE 68102.

MC 148791 (Sub-6-1TA), filed April 11, 1980. Applicant: TRANSPORT-WEST, INC., 247 West 1400 South, Salt Lake City, UT 84115. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. *Contract Carrier: Irregular routes: Alcoholic beverages and related materials, equipment and supplies*, between Phoenix, AZ, on the one hand, and points in CA, on the other, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Carling National Breweries, Inc., a subsidiary of G. Heileman Brewing Co., 150 South 12th Street, Phoenix, AZ 85034.

MC 58035 (Sub-6-3TA), filed April 11, 1980. Applicant: TRANS-WESTERN EXPRESS, LTD., 48 East 56th Avenue, Denver, CO 80216. Representative: Edward T. Lyons, Jr., Jones, Meiklejohn, Kehl & Lyons, 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, CO 80264. (1) *Prefabricated metal buildings*, knocked down or in sections, and related component parts, accessories and fixtures therefor; and

(2) *such materials, equipment and supplies* as are used in the erection, completion and maintenance of prefabricated metal buildings, from the facilities of Marathon Metallic Building Company at or near Fort Collins, CO, to points in TX and NM; and (3) *materials, equipment and supplies* used in the manufacture or distribution of the commodities named in parts (1) and (2) above, from points in TX and NM, to the facilities of Marathon Metallic Building Company at or near Fort Collins, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Marathon Metallic Building Company, 120 N.E. Frontage Road, Fort Collins, CO 80524.

MC 149344 (Sub-6-1TA), filed April 14, 1980. Applicant: JERRY R. WHITE, WILLIAM CROSS and KENNETH J. STOTTS, a partnership, d.b.a. WHITE, CROSS & STOTTS REFRIGERATED FREIGHT LINES, 329 E. 157th Street, Gardena, CA 90247. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Contract Carrier*, Irregular routes: *Canned and preserved foodstuffs*, from the facilities of Heinz, USA, at or near Fremont and Toledo, OH; Holland, MI; and Pittsburgh, PA to points in TX, restricted to the transportation of shipments originating at the named facilities and destined to the indicated state, for 180 days. Supporting shipper: Heinz, USA, Division of H. J. Heinz Company, 1062 Progress Street, Pittsburgh, PA 15212.

MC 143775 (Sub-6-6TA), filed April 14, 1980. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Plastic articles* from Winchester, VA, to points in MO, for 180 days. Supporting shipper: Arnold M. Gale, Traffic Manager, Rubbermaid Commercial Products, 3124 Valley Avenue, Winchester, VA 22601.

MC 139906 (Sub-6-7TA), filed March 17, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Plumber's goods* from the facilities of Norris Industries Price Pfister Division at or near Pacoma, CA, to CO, GA, ID, IL, MT, NJ, OR, OK, TX, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Norris Industries Price Pfister Division, 13500 Paxton Street, City of Pacoma, CA 91331.

MC 139906 (Sub-6-13A), filed March 17, 1980. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, Salt Lake City, UT 84125.

Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Foodstuffs*, except commodities in bulk, from the facilities of the Burry Division, the Quaker Oats Co., at or near Edison, New Brunswick, and Elizabeth, NJ, to points in the United States, except AK and HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Burry Division, The Quaker Oats Company, 1265 Durant Street, Elizabeth, NJ 07207.

MC 149138 (Sub-1TA), filed January 2, 1980. Applicant: COLORADO, KANSAS, MISSOURI EXPRESS CO., d.b.a. CKM EXPRESS CO., P.O. Box 1183 (I-70, exit 243), Idaho Springs, CO 80452. Representative: Dan R. Sheehy, 201 Court Square Building, 1301 Spruce Street, Boulder, CO 80302. 1. *Malt beverages and related advertising materials* from St. Louis, MO to Idaho Springs, Longmont, Greeley, Colorado Springs and Fort Collins, CO; 2. *Materials, empty containers and cans* used in the production and transportation of malt beverages, from Colorado Springs, Denver, Greeley, Fort Collins, Longmont, Pueblo, Glenwood Springs, Grand Junction, Steamboat Springs, Montrose and Idaho Springs, CO to St. Louis, MO and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pikes Peak Distributing Co., Colorado Springs, CO; Nor-Colo Distributing Co., Greeley, CO; Anheuser-Busch, Inc., St. Louis, MO; Clear Creek Distributing Co., Idaho Springs, CO.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12848 Filed 4-25-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29187 (Sub-1)]

Providence & Worcester Co. Control Vermont & Massachusetts Railroad Co.

Providence and Worcester Company (P&W), One Depot Square, Woonsocket, Providence County, RI 02895, represented by Thomas E. Acey, Jr., Esquire, 1660 L Street, N.W., Suite 1100, Washington, D.C. 20036, hereby gives notice that on the 11th day of April, 1980, it filed with the Interstate Commerce Commission at Washington, DC, an application pursuant to 49 U.S.C. 11343 for authority to exercise control of Vermont and Massachusetts Railroad Company (V&M), through acquisition of stock or otherwise, and authority to operate the properties of V&M.

The line proposed to be controlled and operated by P&W consists of

approximately 55.93 miles of main track located between Fitchburg and Greenfield, MA, and is presently operated by Boston and Maine Corporation (B&M) under a long-term lease. Upon consummation of the proposed transaction, the operation of the V&M line by B&M is expected to continue in the same manner and in accordance with the requisite common carrier obligations as is presently being performed. P&W will undertake operation of the V&M line at such time as P&W's operation is legally permissible and required.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—Nat'l Environmental Policy Act, 1969, supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 29187 (Sub-No. 1) and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20424, not later than 45 days after the date notice of the filing of the application is published in the Federal Register. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12853 Filed 4-25-80; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29299 F]

**The Chesapeake & Ohio Railway Co.—
Acquisition and Operation of a Line in
Ottawa County, Mich.**

The Chesapeake and Ohio Railway Company (C&O), Baltimore, MD 21201, represented by Rene J. Gunning—113, General Attorney, The Chesapeake and Ohio Railway Company, 100 North Charles Street, Baltimore, MD 21201, hereby give notice that on the 25th day of March, 1980, it filed with the Interstate Commerce Commission at Washington, DC 20423, an application pursuant to 49 U.S.C. 10901 for a decision approving and authorizing the acquisition and operation of a line of railroad extending between Grand Haven and Ferrysburg, Ottawa County, MI, formerly owned and operated by Grand Trunk Western Railroad Company (GTW).

The line extends between C&O Valuation Station 2321+30 at or near the City of Grand Haven and C&O Valuation Station 2353+71 at or near the Village of Ferrysburg in Ottawa County, MI. The total number of miles of main line track proposed to be acquired and operated is 0.61 mile.

The line of railroad which is the subject of this application was owned and operated by GTW until abandoned as part of its railroad line extending between Coopersville and Grand Haven, MI. Certificate and decision served July 6, 1977 in docket No. AB-31 (Sub-No. 2).

C&O has operated and is presently operating over the line under the authority of Service Order No. 1270. The present and future public convenience and necessity require the acquisition and operation of the line to preserve a vital link in C&O's line of railroad.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969*, *supra* at p. 487

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-12852 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. 66]

**Rerouting Traffic Under Service Order
No. 1344**

To: All Railroads.

In the opinion of Joel E. Burns, Agent, the Mississippi Export Railroad Company is unable to transport promptly all traffic offered for movement between Evanston and Pascagoula, Mississippi, because of a bridge out of service.

It is ordered, (a) Rerouting traffic. The Mississippi Export Railroad Company being unable to transport promptly all traffic offered for movement between Evanston and Pascagoula, Mississippi, because of a bridge out of service, that line and its connections are authorized to divert or reroute such traffic via any available route to expedite movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable

to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 4:30 p.m., April 14, 1980.

(g) Expiration date. The order shall expire at 11:59 p.m., April 30, 1980, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 14, 1980.
Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-12854 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

**Lease and Interchange of Vehicles by
Motor Carriers; Decision**

Decided April 11, 1980.

Southern Bulk Haulers, Inc., (MC-119560) and Cooper Motor Lines, Inc., (MC-47171), commonly controlled, have filed a petition for waiver of paragraph (c) of Section 1057.12 of the Lease and Interchange of Vehicles Regulations (49 C.F.R. 1057).

Findings: 1. In view of that fact that this Commission has no jurisdiction over motor carrier safety and all reference to safety has been excused from the regulations, petitioners' request for waiver of safety inspection requirements is moot and will not be considered.

2. Petitioners are commonly controlled and jointly administer a common safety program.

3. Petitioners have acceptable fitness records.

4. Greater efficiency and economy would result with the waiver.

It is ordered: 1. The petition of Southern Bulk Haulers, Inc., and Cooper Motor Lines, Inc., for waiver of paragraph 1057.12(c), is granted with respect to equipment leased between them.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and W. F. Sibbald, Jr.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12850 Filed 4-25-80; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Government Traffic; Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of general commodities, (except classes A and B explosives, radioactive materials, etiologic agents, shipments of secret materials, and weapons and ammunition which are designated sensitive by the United States Government), between points in the United States (including Alaska and Hawaii), restricted to the transportation of traffic handled for the United States Government or on behalf of the United States Government where the government contractor (consignee or consignor), is directly reimbursed by the government for the transportation costs, under the Commission's regulations (49 CFR 1062.4), pursuant to a general finding made in Ex Parte No. MC-107, *Government Traffic*, 131 M.C.C. 845 (1979).

An original and one copy of verified statement in opposition (limited to argument and evidence concerning applicant's fitness) may be filed with the Interstate Commerce Commission *within 20 days* from the date of this publication. A copy must also be served upon applicant or its representative. Opposition to the applicant's participation will not operate to stay commencement of the proposed operation.

If applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the Federal Register, subject to its tariff publication's effective date, or the filing of an effective tender pursuant to 49 U.S.C. 10721.

GT-147-80 (special certificate—Government Traffic), filed March 28,

1980. Applicant: Mumma Freight Lines, Inc., 6495 Carlisle Pike, Mechanicsburgh, PA 17055. Representative: Jack Pearce, 1000 Connecticut Ave. NW., Washington, DC 20036. Government Agency involved: U.S. Government Manual (1979-80 edition)

GT-148-80 (special certificate—Government Traffic), filed March 28, 1980. Applicant: Trans-Cold Express, Inc., P.O. Box 5842, Dallas, TX 75222. Representative: Arthur J. Sibik, Director of Commerce, 7025 S Pulaski Rd., Chicago, IL 60629. Government Agency involved: General Services Administration.

GT-149-80 (special certificate—Government Traffic), filed March 31, 1980. Applicant: Wilson Freight Co., 11353 Reed Hartman Hwy., Cincinnati, OH 45241. Representative: Milton H. Bortz (address same as applicant). Government Agency involved: General Service Administration, and Department of Defense.

GT-150-80 (special certificate—Government Traffic), filed March 31, 1980. Applicant: Spector Industries, Inc., d/b/a/ Spector Freight System, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Joseph S. Ruscetta, Vice President—Traffic (address same as applicant). Government Agency involved: General Services Administration, U.S. Postal service, U.S. Government Printing Office, Internal Revenue Service, Tennessee Valley Authority, Departments of Defense, and Energy.

GT-151-80 (special certificate—Government Traffic), filed March 31, 1980. Applicant: Wheatley Trucking, Inc., P.O. Box 458, Cambridge, MD 21613. Representative: Gary E. Thompson, 4304 E-West Hwy., Washington, DC 20014. Government Agency involved: U.S. Department of Agriculture.

GT-152-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Frank J. Sibr & Sons, Inc., 5240 W 123rd Place, Alsip, IL 60658. Representative: Frank L. Sibr, Jr., President & Treasurer (address same as applicant). Government Agency involved: Defense Fuel Supply Center, Alexandria, VA.

GT-153-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Diamond Transportation System, Inc., 5021 21st St., Racine, WI 53406. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Government Agency involved: Department of Defense, Commodity Credit Corporation, Department of

Agriculture, Federal Aviation Authority, General Services Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Weather Bureau, and Atomic Energy Commission.

GT-154-70 (special certificate—Government traffic), filed March 31, 1980. Applicant: H. J. Jeffries Truck Line, Inc., P.O. Box 94850, Oklahoma City, OK 73143. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Government Agency involved: Department of Defense, Commodity Credit Corporation, Department of Agriculture, Federal Aviation Authority, General Services Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Weather Bureau, and Atomic Energy Commission.

GT-155-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Richardson Transfer and Storage Co., Inc., 246 N. Fifth Ave., Salina, KS 67401. Representative: Charles Ephraim, 1250 Connecticut Ave. NW—Suite 600, Washington, DC 20036. Government Agency involved: Department of Defense.

GT-156-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Wallace Transport, 9290 E Hwy 140, P.O. Box 67, Planada, CA 95365. Representative: Donald M. Fennel, Director of Commerce (address same as applicant). Government Agency involved: Department of Defense, and General Services Administration.

GT-157-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: McKenzie Tank Lines, Inc., P.O. Box 1200, Tallahassee, FL 32302. Representative: Thomas F. Panebianco (address same as applicant). Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-158-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Turner Bros. Trucking Co., Inc., P.O. Box 94826, Oklahoma City, OK 73143. Representative: James W. Hightower, Hightower, Alexander & Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Government Agency involved: Department of Defense, Commodity Credit Corporation, Department of Agriculture, Federal Aviation Authority, General Services Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Weather Bureau, and Atomic Energy Commission.

GT-159-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Cargo, Transport, Inc., 918 W Fifth St., Dayton, OH 45407. Representative: James Shelby, President (address same as applicant). Government Agency involved: General Services Administration, and Department of Defense.

GT-160-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Keen Transport, Inc., P.O. Box 1417, Hudson, OH 44236. Representative: Michael Spurlock, Beery & Spurlock Co., L.P.A., 275 E State St., Columbus, OH 43215. Government Agency involved: Department of Defense, National Aeronautics and Space Administration, Department of Energy, and General Services Administration.

GT-161-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: D. T. Auto Transport, Inc., P.O. Box 38394, Denver, CO 80238. Representative: Richard J. Bara, of the Law Firm, Richard P. Kissinger, Steele Park-Suite 330, 50 S Steele St., Denver, CO 80209. Government Agency involved: U.S. Postal Service, Department of Defense, General Services Administration.

GT-162-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Moyer & Sons, Inc., P.O. Box 733, Gaithersburg, MD 20760. Representative: Dean N. Wolfe, Gimmel & Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Government Agency involved: Department of Defense, General Services Administration, and U.S. Secret Service.

GT-163-80 (special certificate—Government traffic), filed March 28, 1980. Applicant: Jesse J. Mesa, d/b/a J. J. Mesa Trucking Co., 1500 S Zarzamora, San Antonio, TX 78207. Representative: Jesse J. Mesa, General Mgr. (address same as applicant). Government Agency involved: Department of Defense, General Services Administration.

GT-164-80 (special certificate—Government traffic), filed March 31, 1980. Applicant: Eureka Van & Storage Co., Inc., Dulles International Airport, P.O. Box 17383, Washington, DC 20041. Representative: Dean N. Wolfe, Gimmel & Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Government Agency involved: Department of Defense, and General Services Administration.

GT-165-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: Shelton Trucking Service, Inc., Route 1 Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101

Blackstone Bldg., Jacksonville, FL 32202. Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-166-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: Subler Transfer, Inc., P.O. Box 62, One Vista Dr. Versailles, OH 45380. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666-11th St. NW, Washington, DC. Government Agency involved: General Services Administration, U.S. Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service and U.S. Government Printing Office.

GT-167-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: McNair Transport, Inc., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71010. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666-11th St. NW, Washington, DC 20001. Government Agency involved: General Services Administration, U.S. Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service, and U.S. Government Printing Office.

GT-168-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: D. Q. Wise & Co., Inc., P.O. Drawer L, Tulsa, OK 74112. Representative: James W. Hightower, Hightower, Alexander, and Cook, P.C., 5801 Marvin D. Love Freeway, Suite 301, Dallas, TX 75237. Government Agency involved: Departments of Defense, and Agriculture; Commodity Credit Corporation, Federal Aviation Authority, General Services Administration, National Aeronautics and Space Administration, Tennessee Valley Authority, U.S. Weather Bureau and Atomic Energy Commission.

GT-169-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: Wingate Trucking Company, Inc., P.O. Box 645, Albany, GA. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. Government Agency involved: U.S. Government Manual (1979-80 edition).

GT-170-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: J. & M. Transportation Co., Inc., P.O. Box 488, Milledgeville, GA 31061. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Government Agency involved:

Tennessee Valley Authority, Nuclear Regulatory Commission, General Services Administration, Federal Prison Industries, Departments of Defense, Agriculture, and Energy.

GT-171-80 (special certificate—Government traffic), filed April 1, 1980. Applicant: G. P. Thompson Enterprises, Inc., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 S Lawrence St., Montgomery, AL 36104. Government Agency involved: General Services Administration, Departments of Defense, Agriculture, Transportation, Energy, and Interior, National Railroad Passenger Service Corporation, Tennessee Valley Authority, National Aeronautics and Space Administration, U.S. Postal Service, and U.S. Government Printing Office.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-12649 Filed 4-25-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Council on the Role of Courts; Meeting

Notice is hereby given that the Council on the Role of Courts will meet in Williamsburg, Virginia, on Friday, May 16, and Saturday, May 17, 1980. The meeting, which is scheduled for 9:00 a.m. to 5:15 p.m. on Friday and 9:00 a.m. to 12:30 p.m. on Saturday, will be held at the National Center for State Courts, 300 Newport Avenue, Williamsburg, Virginia.

The Council will consider several essays and studies commissioned by it that pertain to the business, functions, and problems of courts in the United States, the feasibility of using courts in a backup role to instill public confidence in a system consisting of front-line administrative agencies in mass claims cases, and the tasks performed by judges other than the decision of contested cases. A draft outline of the Council's final report will also be discussed.

The meeting will be open to the public. Minutes of the proceedings will be furnished upon request.

Additional information may be obtained from C. Ronald Ellington, Office for Improvements in the Administration of Justice, United States Department of Justice, Washington, D.C. 20530. Telephone: (202) 633-3280.

Harry A. Scarr,
Administrator, Federal Justice Research Program.

[FR Doc. 80-12927 Filed 4-26-80; 8:46 am]
BILLING CODE 4410-01-M

Office of Justice Assistance, Research, and Statistics

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Notice of Meeting

Notice is hereby given that the Executive Committee of the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) will meet Friday and Saturday, May 16-17, 1980, at The Shoreham Hotel in Washington, D.C. The meeting is open to the public.

Beginning at 9 a.m. Friday, the Committee will hold a discussion with Mr. Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Issues to be covered include: the Reauthorization of the Juvenile Justice Act; the FY 81 Program Plan for OJJDP; and the implementation process for the Committee's Standards on Juvenile Justice.

A report will be given by the members of the task force on the Third Annual State Advisory Group Conference.

The meeting will then recess until Saturday morning.

Beginning at 9 a.m. Saturday, the Committee will discuss the agenda for the June 11-14, 1980, meeting of the full Committee. Included in the discussion will be: training for new appointees; a proposed symposium on the UDIS research; and a work session with public interest groups aimed at soliciting input for the Committee's 1981 Workplan.

The meeting will adjourn at 12:30 p.m. Saturday.

For further information, contact Mr. James C. Shune, Executive Assistant and Special Counsel, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Ave., N.W., Washington, D.C. 20531.

Ira M. Schwartz,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-12889 Filed 4-25-80; 8:45 am]

BILLING CODE 4410-18-M

LEGAL SERVICES CORPORATION

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to

the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Northeast Ohio Legal Services In Youngstown, Ohio, to serve Ashtabula and Columbiana Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209

Clinton Lyons,
Director, Office of Field Services.

[FR Doc. 80-12942 Filed 4-25-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Ohio State Legal Services Association in Columbus, Ohio, to serve Washington, Gallia, Guernsey, Monroe and Noble Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209.

Clinton Lyons,
Director, Office of Field Services.

[FR Doc. 80-12943 Filed 4-25-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Aid Society of Columbus in Columbus, Ohio, to serve Madison and Union Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, VA 22209

Clinton Lyons,
Director, Office of Field Services.

[FR Doc. 80-12944 Filed 4-25-80; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Butler County Legal Assistance Association in Hamilton, Ohio, to serve Warren County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North

Lynn Street, Suite 600, Arlington, Va.
22209.

Clinton Lyons,
Director, Office of Field Services.
[FR Doc. 80-12945 Filed 4-25-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Rural Legal Aid Society of West Central Ohio in Springfield, Ohio, to serve Champaign, Clinton, Darke, Fayette and Highland Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209

Clinton Lyons,
Director, Office of Field Services.
[FR Doc. 80-12945 Filed 4-25-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Northern New Mexico Legal Services, Inc., in Taos, New Mexico, to provide

service to Native Americans residing on or near the Jicarilla Apache Reservation.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Native American Desk, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,
Director, Office of Field Services.
[FR Doc. 80-12947 Filed 4-25-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Central Ohio Legal Aid Society, Inc., in Newark, Ohio, to serve Hocking and Pickaway Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209

Clinton, Lyons,
Director, Office of Field Services.
[FR Doc. 80-12948 Filed 4-25-80; 8:45 am]
BILLING CODE 6820-35-M

Grants and Contracts

April 23, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project,

the Corporation shall announce publicly such grant, contract, or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Pine Tree Legal Assistance in Portland, Maine, to provide service to Native Americans residing on or near the Passamaquoddy and Penobscot Reservations.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Native American Desk, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colorado 80202.

Clinton Lyons,
Director, Office of Field Services.
[FR Doc. 80-12948 Filed 4-25-80; 8:45 am]
BILLING CODE 6820-35-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Policy Research and Analysis, Subcommittee on Environment, Energy, and Resources; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Policy Research and Analysis, Subcommittee on Environment, Energy and Resources.
Date and time: May 16, 1980—9:00 a.m. to 4:30 p.m.
Place: Room 1224, National Science Foundation, 1800 G Street NW., Washington, DC 20550.
Type of meeting: Open.
Contact person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L-611, National Science Foundation, Washington, DC 20550. Telephone (202) 634-4666. Anyone who plans to attend should contact Ms. Dyer by May 13, 1980.

Summary minutes: May be obtained from the contact person, Ms. Dyer, at the above address.

Purpose of committee: To provide advice, recommendations, and oversight concerning program emphases and directions of the EER Group in the Division of PRA.

Agenda:

Friday, May 16, 1980

9:00 a.m.—Plenary Session.
10:00 a.m.—Review of PRA/EER intramural client analytic support and extramural research activities.
1:15 p.m.—Goals and directions of PRA/EER programs. Consideration of ways to

broaden the base of EER/S&T activities in the performer/reviewer community. Discussions will be based on continued consideration of the draft group work plan that was distributed at the last full meeting of the Advisory Committee.

Dated: April 23, 1980.

M. Rebecca Winkler,
Committee Management Coordinator.

[FR Doc. 80-12902 Filed 4-25-80; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

April 23, 1980.

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review.

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the number of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number; if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the Federal Register but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper, 447-6201.

New Forms

Food and Nutrition Service
ATP Reconciliation Report—Food Stamp Program

FNS 46

Monthly

Description not furnished by Agency
6,048 responses; 6,048 hours
Charles A. Ellett 395-7340

Revisions

Agricultural Marketing Service

Regulations Under U.S. Grain Standards Act

7 CFR 800

Other (see SF-83)

Grain Merchandisers and official

Agencies, 3,803 responses; 3,618 hours
Charles A. Ellett 395-7340

Economics, Statistics, and Cooperatives Service

California Grape Acreage Survey

Annually

Grape farmers (growers), 1,600 responses; 3,200 hours

Off. of Federal Statistical Policy and Standard, 673-7974

Reinstatements

Food and Nutrition Service
Monthly Distribution of Donated Commodities to Family Units
FNS-152

Monthly

State Distribution Agencies, 360 responses; 1,440 hours
Charles A. Ellett 395-7340.

Soil Conservation Service application for participation; Wellton Mohawk Irrigation Improvement Program
AZ-CO-6 and AZ-AS-3

On occasion

Landowners and Oper. Wellton-Mohawk Irrig. and Drainage Dist., 117 responses; 14 hours
Charles A. Ellett 395-7340

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—633-9770

Revisions

Coal Distribution Report
EIA-8

Quarterly

Distributions of over 50,000 tons of coal annually, 6,000 responses; 15,000 hours

Jefferson B. Hill, 395-7340

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Joseph J. Strnad—245-7488

New Forms

Center for Disease Control
National Day Care Hepatitis Study
Single time

Hepatitis cases/contact and day care center directors, 8,200 responses; 1,607 hours

Richard Eisinger, 395-6880

Food and Drug Administration

Medicated Feed Application

FDA 1900

On occasion

Feed mills and farms mixing medicated feeds, 11,000 responses; 22,000 hours
Richard Eisinger, 395-6880

Office of the Secretary
Income Survey Development Program:
"Special Frames Study"
Basic questionnaire and self-
employment questionnaire
OS-6-80
Single time
Household members in specific frame
samples, 3,895 responses; 1,948 hours
Barbara F. Young, 395-6880
Public Health Service
Wisconsin Health Status Survey
Demonstration Program
Other (see SF-83)
Households, 7,000 responses; 3,500 hours
Richard Eisinger, 395-6880

Reinstatements

Health Care Financing Administration
(Departmental)
Job Data Sheet for PSRO
Administrative, Technical, and
Professional Positions
HCFA 625T and HCFA-L-625T
Single time
PSRO executive and medical directors,
66 responses; 33 hours
Richard Eisinger, 395-6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E.
LaRue—633-3526

Reinstatements

Immigration and Naturalization Service
Application for a Special Certificate of
Naturalization to Obtain Recognition
as a Citizen of the United States by a
foreign state
N-577
On occasion
Naturalized citizens, 2,000 responses;
500 hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Application for Verification of
Information From Service Records
G-641
On occasion
Individuals, 60,000 responses; 15,000
hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Request That Applicant Appear With
Witnesses
N-430
On occasion
Naturalization applicants, 200,000
responses; 16,660 hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Assurance by a U.S. Sponsor in Behalf
of an Applicant for Conditional Entry
I-591
On occasion
Refugee sponsors, 22,000 responses;
7,333 hours
Andrew R. Uscher, 395-4814

Immigration and Naturalization Service
Child's Personal description Form
N-604
On occasion
Naturalization applicants, 17,000
responses; 1,417 hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Aircraft-Vessel Report
I-92
On occasion
Carriers, 440,000 responses; 73,300 hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Application for a Search of the Records
of the Immigration and Naturalization
Service Under the Freedom of
Information Act
G-639
On occasion
Individuals, 50,000 responses; 12,500
hours
Andrew R. Uscher, 395-4814
Immigration and Naturalization Service
Application To Pay Off or Discharge
Alien Crewman
I-408
On occasion
Pilots, masters, agents, 63,000 responses;
15,750 hours
ANDREW R. Uscher, 395-4814
Immigration and Naturalization Service
Nonimmigrant Checkout Letter
G-146
On occasion
Nonimmigrants, 26,000 responses; 4,333
hours
Andrew R. Uscher, 395-4814

DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E.
Larson—523-6341

New Forms

Employment and Training
Administration
Questionnaire on CETA Wage Limits
MT-2001
Single time
CETA prime sponsors, 470 responses;
353 hours
Arnold Strasser, 395-6880

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Clearance Officer—Jacquelin
Brent—632-3858
Request for Registration for Political
Risk Investment Insurance
OPIC 50
On occasion
Businesses and individual investors, 700
responses; 350 hours
Phillip T. Balazs, 395-4814

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P.
Paul—254-4765

Annual Premium Filing
PBGC-1
Annually
Plan administration of defined benefit
pension plans, 120,000 responses;
60,000 hours
Arnold Strasser, 395-6880

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P.
Weld—632-7737

Revisions

Merit System and Grant-Aided
Agency—Review of Personnel
Operation
OPM 1128 and 1129
Annually
State and local governments, 1,000
responses; 3,400 hours
Edward C. Springer, 395-4814
Mid-Level Data Sheet
CSC-1056a and CSC-1056B
On occasion
Applicants for Federal employment,
21,400 responses; 10,700 hours
Edward C. Springer, 395-4814

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline
Lohens—312-751-4692

New Forms

Application for Employment Service
ES-1A
On occasion
Railroad employees seeking job
placement assistance, 5,000 responses;
500 hours
Barbara F. Young, 395-6880
C. Louis Kincannon,
*Acting Deputy Assistant Director for Reports
Management.*

[FR Doc. 80-12935 Filed 4-25-80; 8:45 am]

BILLING CODE 3110-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/05-0057]

CSRA Capital Corp; Filing of
Application for Transfer of Control of
a Licensed Small Business Investment
Company (SBIC)

Notice is hereby given that an
application has been filed with the
Small Business Administration (SBA)
pursuant to Section 107.701 of the
Regulations governing SBIC (13 CFR
107.701 (1980)) for the transfer of control
of CSRA Capital Corporation (CSRA),
1058 Claussen Road, Augusta, Georgia
30907, a Federal Licensee under the
Small Business Investment Act of 1958,

as amended (the Act), (15 U.S.C. 661 *et seq.*), License No. 04/05-0057.

CSRA was licensed on May 1, 1982. Its present combined paid-in capital and surplus is \$2,353,831. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The Applicant, Mr. William J. Stack, Jr., currently is an officer of CSRA, is purchasing 38.8 percent of the issued and outstanding common stock and 9.6 percent of the issued and outstanding preferred stock, which represents the largest single block of stock held/controlled by one person or entity.

The Applicant does not intend to change the Licensee's Articles of Incorporation or bylaws nor the operations of the SBIC.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the major stockholder, and the probability of successful operations of CSRA, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit to SBA, in writing, comments on the transfer of control. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Atlanta and Augusta, Ga.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 18, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-12950 Filed 4-25-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5187]

First Jefferson Venture Capital Corp., Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a SBIC under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (Act) as amended (15 U.S.C. 661 *et seq.*) has been filed by First Jefferson Venture Capital Corporation 2607 Clairmont Ave., Birmingham, Alabama 35205 with the Small Business Administration (SBA) pursuant to 13 CFR 107.102, 1980.

The officers and directors of the applicant are as follows:

Howard Campbell, 636 So. Sanders Rd., Birmingham, AL 35226; President, Director and General Manager; 50 percent.

Edel Wells, 2607 Clairmont Ave., Birmingham, AL 35205; Vice President, Director; 0

A. W. Jones, 2617 Alington Road, Birmingham, AL 35243; Secretary, Treasurer, Director; 50 percent.

The applicant will begin operations with a capitalization of \$500,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The applicant will conduct its operations principally in the State of Alabama.

As an SBIC under Section 301(d) of the act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, which are to provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns to persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may (not later than 15 days from the publication of this Notice) submit written comments on the proposed company to the Deputy Associate administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Birmingham, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: April 18, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-12951 Filed 4-25-80; 8:45 am]

BILLING CODE 8025-01-M

Productivity and Small Business Innovation; Changed Hearing

SMALL BUSINESS ADMINISTRATION.

ACTION: Change of hearing dates and locations.

SUMMARY: Information previously published in the Federal Register of April 15, 1980, (F.R. Doc. 80-11433, 45 F.R. 25564), announced a public hearing before the Chief Counsel for Advocacy concerning productivity and small business innovation. This document changes the locations and dates of this hearing to Room 1900-A on May 28, 1980 and Room 1507 on May 29, 1980. This hearing was originally scheduled for May 8th and 9th.

ADDRESS: John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CALL: Jerry Feigen, Associate Advocate, Capital Formation/Venture Capital, Small Business Administration, 1441 L Street, N.W., Room 1010C, Washington, D.C. 20416, (202) 653-6808.

Approved: April 23, 1980.

Thomas A. Gray,

Operations Officer/Acting Chief Counsel for Advocacy, Office of Advocacy.

[FR Doc. 80-13085 Filed 4-25-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Olympic Regional Airport Project; Notice of Intent

The Federal Aviation Administration and Washington State Department of Transportation intend to develop an Environmental Impact Statement for the construction of a new general aviation airport in Jefferson County, Washington.

Proposed Action and Possible Alternatives

The proposed action consists of the clearing of approximately 150 acres of land and the construction of a 3,700 foot runway, a taxiway, administration facilities, vehicle parking, a transient aircraft apron, 0.5 mile access road, runway and taxiway lighting and visual approach slope indicator lights. An instrument landing system is not anticipated in the near future.

Alternatives to be evaluated include:

1. "Do Nothing"—No new airport, continue using existing substandard airport.
2. Upgrade existing airport to FAA standards.
3. Build new airport—seven sites to be evaluated.

Scoping Process

A formal "scoping" meeting will not be held. Paragraph 51e of Appendix 6 of FAA Interim Final Order 1050.1C, Policies and Procedures for Considering

Environmental Impacts, August 3, 1979, includes a provision whereby the FAA may conduct a scoping action prior to making the decision whether or not to prepare an environmental impact statement on a proposed project. On January 14, 1980, the FAA, Northwest Region, Airports Division Office, exercised this provision by sending 48 state, local, and federal agencies copies of the final environmental impact assessment report and an invitation to participate in a scoping exercise. In addition, three libraries received copies of the document for public review and two newspapers received public notices regarding the scoping process. The scoping comment period ended on February 12, 1980; however, the local elected officials and newspapers were notified of an extension of the comment period to April 1, 1980. The input from this scoping process will be used to determine areas of further study in the EIS.

Draft EIS Issue: Summer, 1980.
Final EIS Issue: Fall, 1980.
Begin Project Construction: Spring, 1981.

FAA Contact Person

Any question concerning the proposed project and the EIS should be directed to: Dennis Ossenkop, ANW-614, Environmental Planning Officer, Federal Aviation Administration, FAA Building, Boeing Field, King County International Airport, Seattle, Washington 98108, Telephone: (206) 767-2633.

Dated: April 15, 1980.
George L. Buley,
Chief, Planning and Programming-ANW 610.
[FR Doc. 80-12582 Filed 4-25-80; 8:45 am]
BILLING CODE 4910-03-M

Federal Highway Administration

Environmental Impact Statement; Prince Georges County, Md.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Prince Georges County, Maryland.

FOR FURTHER INFORMATION CONTACT: Roy Gingrich, District Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone: (301) 962-4011 and Mr. Hal Kassoff, Director, Office of Planning and Preliminary Engineering, Maryland State Highway Administration (SHA), 300 West Preston Street, Baltimore,

Maryland 21203, Telephone: (301) 383-4267

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with Maryland State Highway Administration will prepare an environmental impact statement (EIS) on a proposal to improve Maryland Route 214 (Central Avenue) in Prince Georges County, Maryland. The proposed improvements would involve the reconstruction of Maryland Route 214 from I-95 (Capital Beltway) to 1.6 miles west of U.S. Route 301, a distance of approximately 5.3 miles. An interchange is proposed with Maryland Route 202 (Landover Road). The proposal would provide the necessary roadway capacity to meet projected traffic demand through the design year.

Alternatives under consideration include (1) taking no action, (2) improvements to existing roads, and (3) a relocation alignment. The proposal has possible impacts on the 100 year floodplain, historic and archeological sites, a Virgin Forest Federal Landmark, and may result in the acquisition of homes.

No formal scoping meeting is planned at this time. A public hearing will be scheduled upon completion of the Draft EIS. A public notice will be given of the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposal and the EIS should be directed to the FHWA and SHA at the addresses provided above.

Issued on April 21, 1980.
Emil Elinsky,
Division Administrator, Baltimore, Md.
[FR Doc. 80-12758 Filed 4-25-80; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Bernalillo County, N. Mex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA) is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Bernalillo County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Mr. Dewey Lonsberry, Program Development Engineer, Federal

Highway Administration, 117 U.S. Court House, Santa Fe, New Mexico 87501, Telephone: (505) 988-6255.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Mexico State Highway Department, will prepare an environmental impact statement (EIS) on a proposal to provide an additional river crossing or crossings of the Rio Grande in the Northwest quadrant of Metropolitan Albuquerque.

All of the proposed alternatives are planned as parkways (heavy commercial vehicles prohibited). They have Coors Road (NM 448) and Interstate 25 as termini. The alternatives vary in length from 1.2 miles to 7.1 miles. The individual alternatives may affect the incorporated villages of Corrales and Los Ranchos de Albuquerque, the City of Albuquerque, the County of Bernalillo, and the lands of the Pueblo of Sandia.

Alternatives under consideration include (1) taking no action other than some minor safety and capacity increasing improvements at the two existing river crossings; (2) six different alternatives, all with portions on new locations and having different design features.

An early coordination conference was held February 20, 1980 in Santa Fe, New Mexico by the Federal Highway Administration and the New Mexico State Highway Department to ensure early coordination with appropriate state and federal agencies and compliance with CEQ regulations regarding "Scoping". Nineteen (19) state and federal representatives were in attendance. A formal scoping meeting is not planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the Environmental Impact Statement should be directed to the Federal Highway Administration at the address shown above.

Issued on April 18, 1980.
Dewey Lonsberry,
Program Development Engineer.
[FR Doc. 80-12758 Filed 4-27-80; 8:45 am]
BILLING CODE 4910-22-M

[BMCS Docket No. MC-91; Notice No. 80-21]

Hours of Service of Drivers; Test Program of Alternative Methods to Driver's Logs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA is permitting selected motor carriers and their drivers to use either modified tachograph charts, or a modified carrier document to record driver's hours of service as an alternative to the present logs on an experimental basis for a period not to exceed 11 months. The purpose of the test is to determine whether the alternatives provide valid reliable substitutes for the driver's log. The test is being conducted by Chilton Company, Radnor, Pennsylvania, under contract DOT-FH-11-9414.

DATES: Test program to be conducted between May 1, 1980, and April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald J. Davis, Chief, Development Branch, Regulations Division, Bureau of Motor Carrier Safety, (202) 426-9767, or Mr. Gerald Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The forms of driver's logs now in use are specified in §§ 395.8 and 395.9 of the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR 395.8 and 395.9). The daily log consists of a sheet of paper for each day, and the multi-day log consists of a sheet of paper for up to 8 days on which the driver must make entries showing, on an hour-by-hour basis, the activities in which he is engaged. After the forms are completed, the original is filed with the carrier and retained for at least 1 year. In addition, the driver must keep a copy of the completed logs showing the last 30 days' activities in his or her possession at all times when on duty.

Research to find a substitute for the driver's log has been under way for some time. A research effort "Alternative Methods of Regulating Commercial Motor Vehicle Drivers' Hours of Service," by Chilton Company, Radnor, Pennsylvania, was completed in January 1979. This research was contracted for when the Office of Management and Budget gave an extension for the use of the logs pending completion of research for an alternative method. Although the basic thrust of the contract effort was directed towards alternates that would reduce the paperwork burden on drivers, it was also deemed necessary to assess their evidentiary value of such alternatives as well as their economic impact on carrier management and the drivers

themselves, in order to establish their feasibility as potential alternatives to the driver's logs.

It is the objective of this agency to reduce the recordkeeping requirements to the lowest possible level without compromising safety.

A desire to reduce the paperwork burden on the driver or to reduce the recordkeeping requirement cannot, however, overshadow the primary responsibility of this agency to reduce highway fatalities and injuries by controlling the hours of service of drivers, who, by the nature of their occupation, are not subject to normal supervision.

The research effort concluded that there is no single alternative to the existing driver's logs that can be universally recommended, at the present time. However, the report did recommend that carriers and drivers be offered the option to use any one of the following:

1. The existing driver's log,
2. The tachograph chart, with additional information to be added, or
3. Existing carrier timecards, trip sheets, or similar driver activity report, assuming such reports include specified critical information.

In evaluating these alternatives, the Bureau's primary consideration will be to determine whether either of them provide a workable mechanism for monitoring driver's hours of service. If the facts so warrant, BMCS will consider extending the test period through the rulemaking process.

Motor carriers named herein have been selected by the contractor and have agreed to participate in the test program. The carriers represent a cross section of the motor carrier industry. The drivers represented in the program fall into all of the driver categories.

If after the test program is completed and it is determined that the alternative methods have merit, a Notice of Proposed Rulemaking will be issued to give interested persons the opportunity to comment on adoption of those alternative methods.

The terms, conditions, and limitations upon the use of the alternative methods and instructions for using them are set forth below. By a separate document, published this day, the motor carriers named herein and their designated drivers participating in the program are relieved from the obligation to make, file, and maintain the form of the driver's logs required by §§ 395.8 and 395.9 of the FMCSR. (See rules and regulations section of this Federal Register issue.)

Use of Tachograph Charts and Modified Carrier Document in Lieu of Driver's Logs

A. Between May 1, 1980, and April 1, 1981, a motor carrier listed herein is authorized to use either a tachograph chart or a modified carrier document, in the format provided by the contractor, as an alternative to the driver's logs.

B. Drivers designated by the participating carriers must be issued an identification card, and beginning with the date of first dispatch after the date the carriers participation begins use the approved revised tachograph chart or modified carrier document to record their activities. This exception applies only as long as the drivers continue to be employed by the participating carrier. A participating carrier may revoke the designation of any driver(s). The driver(s) whose designation is revoked must thereafter make a log on the forms specified in § 395.8 or § 395.9 beginning on the date of first dispatch following the revocation of designation. A driver who is added by the participating carrier must use the alternative methods in lieu of the current log form.

C. On any day in which the tachograph is not working properly, the driver must prepare a blank tachograph chart or log in the form and manner set forth in 49 CFR 395.8 and 395.9 and must note "inoperative tachograph" in the remarks section of the log.

D. A driver who is using one of the designated methods must make true, accurate, and complete entries on the chart or form in accordance with the following instructions and requirements:

General Instructions

1. *Duty status identification:* Duty status shall be recorded by using the following notations:

Off—for off duty
On—for on duty, not driving
D—for on duty, driving
SB—for sleeper berth

2. *Entries current.* (a)—Tachograph chart entries will be made current immediately upon removal from the tachograph. (b)—Modified carrier document entries will be current to the last change of duty status.

3. *Entries by driver only.* All duty status time segment designations and the driver's signature must be in the driver's own handwriting. All other information listed in the succeeding subsection need not be in the driver's own handwriting but must be certified by the driver as correct. The driver's signature shall constitute such certification.

4. *Filing of chart or document.* The original of either form being used must

be submitted each day to and retained by the motor carrier. Drivers on an extended trip and those using the same form for more than 1 day but not more than 7 consecutive days, may submit the completed report for each day during that trip to the motor carrier upon return to the driver's home terminal. When the services of a driver are used by more than one carrier during any calendar day, the driver shall furnish each such carrier a copy of the chart or document for the entire day.

5. Retention of chart or document. Charts or documents used for each calendar month may be retained at the driver's home terminal until the 20th day of the succeeding calendar month and shall then be forwarded to the carrier's principal place of business where they shall be retained for 12 months from date of receipt. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the Region in which a motor carrier has principal place of business, a motor carrier may forward and retain these records at the regional or terminal office. If the carrier already has such approval, a request for new approval under this test program is not necessary.

6. Working for more than one carrier. When a driver works for more than one carrier on the same day, the name of the other carrier(s) is to be written in at the appropriate change of duty status.

Specific Requirements for Completing Chart or Document

1. Driver's signature. Write first name, middle name or initial, and last name. Sign the record at the completion of the tour of duty.

2. Date. Use the space provided for month, day, and year. Every separate activity record must be signed whether or not you perform work on that day. Two or more days off duty may be recorded on one form, and that form can be concurrent with the first succeeding day during which work is performed.

3. Time base to be used. Use the time standard in effect at the driver's home terminal, for a 24-hour calendar day beginning at midnight. Provided, however, that if written notification is given by a carrier to the Director, Regional Motor Carrier Safety Office, Federal Highway Administration, for the Region in which the carrier's principal place of business is located, drivers of any named terminal or terminals of the carrier may prepare activity records for a 24-hour period beginning at noon of 1 day and ending at noon of the next succeeding day. For drivers on a noon to noon basis, the term "7 or 8 consecutive days" means the period of 7 or 8

consecutive days beginning at 12:01 p.m. on any day.

4. Mileage. Total mileage entered shall be the sum of the mileage traveled while driving, on duty but not driving, and resting in a sleeper berth (as defined in § 395.2(g)) during the day covered by the chart or document. In addition, mileage while driving shall be shown separately.

5. Vehicle identification. In the space provided, write the carriers number(s) or license plate number and State of Registration for each vehicle or unit of combination operated that day.

6. Shipping document. Write the shipping document number(s) for shipment carried on that day in the space provided. If shipping documents are not numbered, write the name of the shipper and the commodity.

7. Duty status. (1) Tachograph Charts. Prior to inserting the chart into the tachograph, mark a line in the outer ½ inch circle at the appropriate time marker to show time reporting for duty, time departing and the city and State where dispatched. The duty status for all time from midnight to time reporting for duty must be shown on the chart. Where a 12 hour chart is in use and the 12 hour period not designated on the face of the chart is all off-duty time, that time must be included in the 24 hour duty summary required by paragraph eight. When the nondesignated 12 hour period is not all off-duty time, a second chart will be required to record this time. Appropriate a.m. and p.m. designations must be made. The 24 hour duty status total summary must appear on one of the two charts and the other must have the notation "duty summary on second chart." The appropriate designations, OFF, ON, D, and SB, as set forth in the General Instructions, shall be shown in the outer ½ inch circle of the chart to indicate duty status between the time markers. Exception. No driving notation is required on charts where the outer circle shows stylized recordings of accumulated miles or RPM. It is understood that the driver who signs the chart was driving during such periods. Where the driver copy is being prepared by carbon imprint, it will be necessary to separately add the driving designation letter "D" directly to carbon copy for those time periods, where the duty status is driving. When such additions are made, the signature on the carbon copy will have to be affixed independently of the one on the original chart. (2) Modified Carrier Document. The driver must record duty status in chronological order in a column or columns on a portion of the front side of the modified document that is not used for any other purpose. The

totals (time ON, OFF, SB, and D), the cargo or shipping paper must be recorded at the end of the column on the same portion of the modified document. The driver's signature must appear on the same sheet of paper as the other required information.

8. Total hours. The total hours in each duty status: OFF, ON, D, and SB shall be shown on the face or the back of the tachograph chart or on the carriers document.

9. Identification card. A driver who has been designated to use the tachograph chart or carrier document must have possession of a wallet size identification card titled "U.S. Department of Transportation Research Program" signed by the Director of the Bureau of Motor Carrier Safety. The card must contain the driver's name, the name of the carrier, and the signature of an authorized carrier representative. The driver must exhibit the card to any special agent of the FHWA upon request and to validate his authorization to State and local enforcement personnel for identification as being authorized to maintain a record of hours of service by a means other than the daily log.

Any driver whose designation has been revoked must surrender the identification card to the issuing carrier. If the card has been lost or stolen, an affidavit to that effect must be filed with the issuing carrier to maintain a chronological record of the driver identification card number assignments, reassignments, and revocations.

10. Carriers participating. The following motor carriers are authorized to participate in the test program: Con Weimar Bulk Transportation, 401 Commerce Road, Linden, New Jersey 07036
Best Way Transport, Inc., 3841 N. Columbia, Portland, Oregon 97217
Fairway Foods, Inc., 3225 12th Avenue, N., Fargo, North Dakota 58102
Associate Truck Lines, Inc., Vandenburg Center, Grand Rapids, Michigan 49503
Garrett Freightlines, Inc., 2055 Garrett Way, Pocatello, Idaho 83201
Star Bulk Transport, Inc., 821 Front Street, New Ulm, Minnesota 56073
NDT, Inc., 4171 Winters Chapel Road, Doraville, Georgia 30040
General Telephone Company of the Northwest, P.O. Box 1003, Everett, Washington 98204
East Side Movers, Inc., 251 Freeman Street, Brooklyn, New York 11222
BN Transport, Inc., 6775 Evans Avenue, Denver, Colorado 80222
Johnsons Transfer, 6951 Norwich Drive, Philadelphia, Pennsylvania 19153
Standard Ready Mix, Inc., 1221 Steuben, Sioux City, Iowa 51102
H & M Transport, Inc., P.O. Box H, French Camp, California 95231
Trucker Freight Lines, Inc., 1415 S. Olive, South Bend, Indiana 46619

Dennis Trucking, 6951 Norwich Drive,
Philadelphia, Pennsylvania 19153
D. J. McNichol, 6951 Norwich Drive,
Philadelphia, Pennsylvania 19153
Best Transport, Inc., P.O. Box 1001, San
Antonio, Texas 78294
Red Star Express Lines of Auburn, Inc., 24-50
Wright Avenue, Auburn, New York 13021
American Bakeries Company, 10 S. Riverside
Plaza, Chicago, Illinois 60606
Hennes Trucking Company, 320 S. 19th
Street, Milwaukee, Wisconsin 53233
Mitchell Transport, Inc., 6500 Peral Road,
Cleveland, Ohio 44130
Farm Bureau Services, 7373 W. Saginaw,
Lansing, Michigan 48904
Kocer Implement, 745 E. Highway 50,
Wagner, South Dakota 57380
Allied Chemical Corporation, Fibers Division,
P.O. Box 831, Chesterfield Plant, Hopewell,
Virginia 83860
Schwerman Trucking, 611 S. 28th Street,
Milwaukee, Wisconsin 53246
Buchanan Auto Freight, 115 West "D" Street,
Yakima, Washington 98902
Hiland Potato Chip Company, 2300 Delaware
Avenue, Des Moines, Iowa 50317
Dow Chemical, 690 Building, Midland,
Michigan 48640
Cargill, Inc., P.O. Box 9300, Minneapolis,
Minnesota 55440
Exxon Company, P.O. Box 2180, Houston,
Texas 77001
City Tank Lines, 18405 S. Main Street,
Gardena, California 90247
J. C. Sales (Jorge Castro), 15207 Marquardt,
Santa Fe Spr., California 90670
Snively Brothers, E. Benjamin & Gerald L.,
RD #1, Lititz, Pennsylvania 17543
Louisiana Pacific Corporation, 1300 SW. Fifth
Avenue, Portland, Oregon 97201
Georgia Pacific Corporation, 900 SW. Fifth
Avenue, Portland, Oregon 97204
Niedermeyer-Martin Company, 1727 NE. 11th
Avenue, Portland, Oregon 97212
Don Keith Trucking, 1133 Chittenden Avenue,
Corcoran, California 93212
Sovzas Milk Transportation, 474 5th Street,
Gustine, California 95322
Kirsch and NoCal Corporation, 11002 15th
Avenue, College Point, New York 13356
Parker Motor Company, 1505 Steel, SW.,
Grand Rapids, Michigan 49507

Issued on: April 23, 1980.

Robert A. Kaye,
Director, Bureau of Motor Carrier Safety.

[FR Doc. 80-13049 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-22-M

Urban Mass Transportation Administration

Intent To Prepare a Right-of-Way Protection Environmental Impact Statement for the Route 87 Guadalupe Corridor, San Jose, Calif.

In accordance with the provisions of
the National Environmental Policy Act
(83 Stat. 852), the Council of
Environmental Quality's (CEQ)
implementing regulations (40 CFR Parts
1500-2508), Urban Mass Transportation

Administration's Policy on Major Urban
Mass Transportation Investments
(published in the Federal Register on
September 22, 1976, the Federal
Highway Administration's (FHWA)
Title 23, Code of Federal Regulations, 23
CFR Part 771 and the State of California
Environmental Quality Act (CEQA), the
Urban Mass Transportation
Administration (UMTA) hereby gives
notice of the intent to prepare both draft
and final environmental impact
statements regarding the possible
purchase and preservation of the
remaining privately-owned right-of-way
in San Jose, California's State Route 87
corridor (Guadalupe Corridor), in
anticipation of a possible future
transportation facility improvement.

Preparation of the draft will begin
following a public meeting May 14, 1980
at which the scope and conduct of the
effort will be discussed. Members of the
public and interested Federal, state, and
local agencies are invited to express
their views. This scoping meeting will be
held in the San Jose City Council
Chambers, 801 North First Street, San
Jose, California 95110 at 2:00 p.m.

This corridor is currently the subject
of an analysis of alternatives in which a
variety of prospective, alternative
highway, busway, light rail and
commuter rail improvements are being
examined. The analysis of alternatives
is designed to identify which alternative,
if any, warrants preliminary engineering
investigation. Following the completion
of preliminary engineering, a decision
can be made on actual implementation
of a transportation improvement.

The purpose of this EIS will be to
contemplate the purchase and
protection of those privately-owned
parcels within the Route 87 right-of-way
where development or redevelopment is
envisioned, so that the option of
implementing major transportation
improvements in this corridor can be
preserved. It is expected that this EIS
will be completed prior to the
completion of the analysis of
alternatives now in progress. An EIS is
also being prepared as part of the
analysis of alternatives (see Notice of
Intent appearing in the Federal Register
on Monday, July 30, 1979 [44 FR 44638])
so the EIS associated with this notice
can be regarded as a first tier of a tiered
EIS process—consistent with the
provisions of the CEQ regulations.

Right-of-way for California State
Highway Routes 85 and 87 first began to
be purchased for highway purposes in
1958. About 78 percent of the Route 87
right-of-way has been acquired to date.
Due to new environmental laws and
lack of State highway funds, very little

right-of-way has been purchased since
1969.

Strong development pressures now
exist in the Guadalupe Corridor. To
prevent such development from usurping
the right-of-way before a decision can
be made on how this right-of-way
should be used, acquisition of those
privately-owned parcels within the
right-of-way that are likely candidates
for development must be seriously
contemplated.

The proposed alternatives to be
considered in this EIS include:

1. No action—private development
within the right-of-way could occur.
2. Full-Width right-of-way purchase—
250 feet to 350 feet width, which is the
width necessary for the originally
proposed 8-lane freeway.
3. Reduced-Width right-of-way
purchase—150 feet to 200 feet width to
preserve all transportation alternatives
currently under study in the analysis of
alternatives.
4. Minimum-Width right-of-way
purchase—50 feet to 75 feet width
enough to preserve only the transit
guideway options under study in the
analysis of alternatives.

Impacts of each alternative and
possible means of mitigating these
impacts will be assessed in the EIS. The
following conceivable impacts are
proposed for examination: geology,
soils, hydrology/water quality,
vegetation and wildlife, demographic,
land use, economic, public facilities and
services, archaeological and historical
resources, transportation, air, noise, and
energy.

With respect to each of these impacts,
it is proposed that the EIS address:
adverse effects which cannot be
avoided; the relationship between local
short-term uses of man's environment
and the maintenance and enhancement
of long-term productivity; irreversible
and irretrievable commitments of
resources; growth inducement effects,
and potential 4(f) related concerns.

If there are any questions, please
contact Mr. Alfred Harf, Office of
Planning Assistance, Urban Mass
Transportation Administration, 400
Seventh Street Southwest, Washington,
D.C. 20590, telephone (202) 426-2360, or
Mr. Michael Kennedy, Urban Mass
Transportation Administration, Suite
620, Two Embarcadero Center, San
Francisco, California 94111, telephone
415-556-9368 or Mr. David Eyres,
District Engineer, Federal Highway
Administration, Division Office, Federal
Building, 2nd Floor, Room 264, 801 1
Street, Sacramento, California 95809,
telephone (916) 440-3541 or the Local
Agency Project Director, Mr. David
Minister, Santa Clara County

Transportation agency, 1555 Berger Drive (Room 203), San Jose, California 95112, telephone (408) 299-2362.

Dated: April 23, 1980.

Robert H. McManus,
*Associate Administrator for Planning,
Management and Demonstrations.*

[FR Doc. 80-13059 Filed 4-25-80; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 13-80]

Treasury Notes; Interest Rate of Series R-1982

April 23, 1980.

The Secretary announced on April 22, 1980, that the interest rate on the notes designated Series R-1982, described in Department Circular—Public Debt Series—No. 13-80, dated April 17 1980, will be 11% percent. Interest on the notes will be payable at the rate of 11% percent per annum.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 80-12903 Filed 4-25-80; 8:45 am]

BILLING CODE 4810-40-M

representing small business. The membership is rotated periodically to insure that many perspectives on current issues and concerns are presented.

Comments and inquiries should be addressed to William Anawaty, Executive Assistant to the Deputy Secretary, Department of the Treasury, Room 3327, Main Treasury, 15th and Pennsylvania Avenue, NW., Washington, DC 20220, telephone 202-566-3887.

Dated: April 22, 1980.

Robert Carswell,
Deputy Secretary.

[FR Doc. 80-12932 Filed 4-25-80; 8:45 am]

BILLING CODE 4810-25-M

Small Business Advisory Committee; Renewal

In accordance with the Federal Advisory Committee Act (Public Law 92-463), and Treasury Directive 10-06E, the Secretary has approved continuation of the Treasury Small Business Advisory Committee.

This Committee continues to advise the Secretary on a broad range of economic issues of mutual concern to the small business community and the Treasury. It provides the Secretary with valuable insights on numerous economic issues including tax policy, tax administration, capital formation, and governmental regulation. It is in the public interest that Treasury receive the views and recommendations of this committee because of the large and critical role small business plays in the economic environment of the nation.

Committee members are chosen from small businesses of various types and sizes in different sections of the country, and from professional organizations

Sunshine Act Meetings

Federal Register

Vol. 45, No. 83

Monday, April 28, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, April 29, 1980, 2 p.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Draft Advisory Opinion 1980-20, Mr. James S. Eastham, Rexnord, Inc., P.O. Box 2022, Milwaukee, Wisconsin 53201.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-631-80 Filed 4-24-80; 11:11 am]

BILLING CODE 6715-01-M.

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, April 29, 1980, 10 a.m.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, Personnel, Labor/Management Relations.

* * * * *

DATE AND TIME: Thursday, May 1, 1980, 10 a.m.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications.

Advisory opinions:

Draft AO 1980-13: W. Frank Partridge, Jr.,
Legal Counsel for Newberry, College [Prof.
Robert K. Carley].

1980 election and related matters.
Invitation policy.

Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary to the Commission.

[S-827-80 Filed 4-23-80; 4:58 pm]

BILLING CODE 6715-01-M

3

[USITC SE-80-24A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 26878, April 21, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Thursday, May 1, 1980.

CHANGES IN THE MEETING: Change of location of the meeting as follows: In deliberations held Wednesday, April 23, 1980, the United States International Trade Commission, in conformity with 19 C.F.R. 201.37(b), voted to move the meeting scheduled for Thursday, May 1, 1980, from Room 117 to the Hearing Room (Room 331). Commissioners Bedell, Alberger, Moore, Stern, and Calhoun determined by unanimous consent that Commission business requires the change in the location of the meeting, and affirmed that no earlier announcement of the change to the public notice was possible, and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-825-80 Filed 4-23-80; 4:12 pm]

BILLING CODE 7020-02-M

4

[USITC SE-80-27]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, May 6, 1980, 2 p.m.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.

4. Petitions and complaints, if necessary: a. Window shades (Docket No. 649).

5. Color television receivers (inv. TA-203-6)—briefing and vote.

6. Fish from Canada (Inv. 701-TA-40)—briefing and vote.

7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202)-523-0161.

[S-826-80 Filed 4-23-80; 4:12 pm]

BILLING CODE 7020-02-M

5

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Thursday, May 1, 1980.

PLACE: Seventh floor board room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rates.

2. Delegation of Authority Regarding Assets Acquired under Section 208 of the Federal Credit Union Act.

3. Report on actions taken under delegations of authority.

4. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

FOR MORE INFORMATION CONTACT:

Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-834-80 Filed 4-24-80; 2:45 pm]

BILLING CODE 7535-01-M

6

PAROLE COMMISSION.

TIME AND DATE: Tuesday, April 29, 1980, at 9:30 a.m.

PLACE: Room 826A, 320 First Street NW., Washington, D.C. 20537

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 8 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSONS FOR MORE INFORMATION: Linda Wines Marble, Analyst: (202) 724-3094.

[S-832-80 Filed 4-24-80; 11:46 am]

BILLING CODE 4410-01-M

7

PAROLE COMMISSION.

TIME AND DATE: 9 a.m.-6 p.m., Tuesday, May 6, 1980.

PLACE: Henry Clay Room (second level), Hyatt Regency Hotel, 400 Vine Street, Lexington, Ky.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 12 cases decided by the National Commissioners pursuant to a reference under 28 CFR § 2.17 and appealed pursuant to 28 CFR § 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

2. An application for a Certificate of Exemption under the Employee Retirement Income Security Act of 1974.

CONTACT PERSONS FOR MORE

INFORMATION: Linda Wines Marble, Analyst (202) 724-3094, 320 First Street NW., Washington, D.C.

[S-833-80 Filed 4-24-80; 11:46 am]

BILLING CODE 4410-01-M

8

POSTAL RATE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 23988, April 8, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE CLOSED MEETING: 2 p.m., April 17 1980.

CHANGES IN THE MEETING: There was spontaneous discussion on two matters not anticipated in the published agenda, both of which would otherwise have been items scheduled for a meeting open to the public:

(1) An oral statement made by the Presiding Officer during a public conference in Docket No. MC76-5, April 16, 1980, with regard to the filing of documents with the Commission's Docket Section.

(2) Discussion of the Chairman's prepared statement on proposed legislation to be made to the Senate Subcommittee on Energy, Nuclear Proliferation & Federal Services on Monday, April 21, 1980.

CONTACT PERSON FOR MORE

INFORMATION: David F. Harris, Secretary, Postal Rate Commission, room 500, 2000 L Street NW., Washington, D.C. 20268, 202-254-3880.

[S-830-80 Filed 4-24-80; 11:11 am]

BILLING CODE 7715-01-M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of April 28, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, April 29, 1980, at 2:30 p.m., and on Wednesday, April 30, 1980, immediately following the 10 a.m. open meeting. An open meeting will be held on Wednesday, April 30, 1980, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(B)(i)(A) and (10) and 17 CFR 200.402(a)(4)(B)(i) and (10).

Commissioners Loomis, Evans, Pollack and Friedman determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 29, 1980, at 2:30 p.m., will be:

Formal orders of investigation.
Litigation matter.

Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Administrative proceedings of an enforcement nature.

Institution and settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceeding of an enforcement nature.

Institution of injunctive action.
Regulatory matter regarding financial institution.

Personnel security matter.

The subject matter of the closed meeting scheduled for Wednesday, April 30, 1980, immediately following the 10 a.m. open meeting, will be:

Institution of administrative proceedings of an enforcement nature.

Institution of injunctive action and administrative proceeding.

Litigation matter.

The subject matter of the open meeting scheduled for Wednesday, April 30, 1980, at 10 a.m., will be:

1. Consideration of a supplemental rulemaking petition submitted by the Institute For Public Representation which would require disclosure of certain information concerning the relationships between registrants and their counsel, as well as disclosure concerning resignations and dismissals of registrants' general counsel or any securities law counsel. For further information, please contact Gregory H. Mathews at (202) 272-2599.

2. Consideration of whether to issue a release inviting public comments on a proposed amendment to Rule 16b-3 under the Securities Exchange Act of 1934 that would exempt from the short-swing profit recovery provisions of Section 16(b) of the Act the delivery of stock by officers and directors as payment for the exercise of employee stock options. For further information, please contact Peter J. Romeo at (202) 272-2573.

3. Consideration of a rulemaking petition submitted by the firm of Rodden and Marshall on behalf of Consolidated Oil & Gas, Inc. that the Commission adopt a new rule under the Securities Exchange Act of 1934 that would exempt from the short-swing profit recovery provisions of Section 16(b) of the Act the delivery of stock by officers and directors as payment for the exercise of employee stock options. For further information, please contact Peter J. Romeo at (202) 272-2573.

4. Consideration of whether to grant the application of Robert O. Knutson for relief pursuant to Rule 252(f) of Regulation A. For further information, please contact Thomas J. Baudhuin at (202) 272-2844.

5. Consideration of an application by Gordon T. Krekow to reenter the securities business as a director of Foster & Marshall, Inc., a registered broker-dealer. For further information, please contact David P. Tennant at (202) 272-2945.

6. Consideration of whether to approve proposed rule changes (File Nos. SR-NYSE-80-11 and SR-Amex-80-6) of the New York Stock Exchange, Inc. and the American Stock Exchange, Inc. to make permanent their respective rules which permit individual members to register as supplemental market makers in equity securities. For further information, please contact William S. Muller at (202) 272-3117.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272-2178.

April 23, 1980.

[S-838-80 Filed 4-23-80; 4:50 pm]

BILLING CODE 8010-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 26213, April 17, 1980.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 15, 1980.

CHANGES IN THE MEETING: Deletion/ additional items.

The following item was not considered at a closed meeting scheduled on Tuesday, April 22, 1980, at 10 a.m..

Institution of administrative proceeding of an enforcement nature.

The following item will not be considered at a closed meeting scheduled for Thursday, April 24, 1980, following the 3 p.m. open meeting:

Institution of administrative proceeding of an enforcement nature.

The following additional items will be considered at a closed meeting scheduled for Thursday, April 24, 1980, following the 3 p.m. open meeting:

Settlement of injunctive action.

Settlement of administrative proceeding of an enforcement nature.

Litigation matter.

Consideration of *amicus* participation.

Commissioners Loomis, Evans, Pollack, and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alternations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

April 23, 1980.

[S-829-80 Filed 4-24-80; 3:54 pm]

BILLING CODE 8010-01-M

5010-108-01

Monday
April 28, 1980

Part II

**Department of
Health, Education,
and Welfare**

Office of Education

**Vocational Education; Requirements
Relating to National Priority Programs**

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 104 and 105

Vocational Education

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes to amend the regulations for the Vocational Education Act, recently revised by the technical amendments related to the Education Amendments of 1978. These proposed regulations provide for eliminating duplication of data collection and adjusting the matching requirements relating to national priority programs for handicapped and disadvantaged persons. States which are financially unable to generate necessary matching funds may use a larger Federal share to support vocational education supportive services and programs for the handicapped and disadvantaged. These proposed regulations implement the new authority and make other technical and miscellaneous changes to Parts 104 and 105 of the Vocational Education regulations.

DATES: Comments on these proposed regulations must be received on or before June 27, 1980.

ADDRESSES: Comments should be addressed to Dr. LeRoy Cornelsen, Chairperson, Vocational Regulations Task Force, U.S. Office of Education, (ROB-3, Room 5652) 400 Maryland Avenue, SW, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Dr. LeRoy Cornelsen, (202) 472-3440.

SUPPLEMENTARY INFORMATION:

Background

The primary purpose of these proposed regulations is to implement two sections of Pub. L. 96-46 by amending several sections of 45 CFR, Part 104, the vocational education program regulations. Specifically, Section 5(b) of Pub. L. 96-46 directs the Commissioner to issue regulations adjusting the dollar-for-dollar matching requirement contained in Section 110(a) and (b) of the Vocational Education Act for States that are otherwise financially unable to provide national priority programs for handicapped and disadvantaged persons. Additionally, Section 5(a) of Pub. L. 96-46 encourages the Commissioner to reduce the data burden on States by modifying portions of the annual accountability reports.

These proposed regulations also accomplish a secondary purpose. They make several technical and miscellaneous changes to Parts 104 and 105, the vocational education program regulations. For example, one miscellaneous change eliminates the five percent rule used in maintenance of effort determinations. Related regulations are referenced under the recently published Education Division General Administrative Regulations (EDGAR) giving States the option to submit three-year plans instead of annual plans they have submitted in the past. These and all other significant provisions are summarized below in more detail.

(a) *Summary of major provisions.* Major provisions of these proposed regulations include the following:

(1) *Matching Adjustment for National Priority Programs for Handicapped and Disadvantaged Persons.* Section 110 of the Vocational Education Act, as amended by Pub. L. 94-482, requires each State to use specified minimum percentages (set-asides) of its allotment under Section 102(a) for national priority programs. The specified minimum percentages are ten percent for programs for the handicapped, twenty percent for programs for the disadvantaged, and fifteen percent for postsecondary and adult programs. This NPRM does not affect the set-aside for postsecondary and adult programs. The Act further requires each State to categorically match these set-asides, dollar-for-dollar, with State or local funds.

The Congress recently became aware that some States may be financially unable to provide their full share of categorical matching funds and, as a result, might eventually have to return the unmatched Federal funds to the U.S. Treasury. To prevent this from happening, Congress passed Pub. L. 96-46 on August 6, 1979. While initial financial reports indicate that most States were ultimately able to match FY 78 funds, it appears that many States may have difficulty in subsequent years.

Pub. L. 96-46 amends Section 110 of the Vocational Education Act and directs the Commissioner to establish regulations adjusting the matching requirement for States and in turn allowing the States to adjust their requirement for local education agencies (LEAs) and other eligible recipients (OERs) that are financially unable to provide the necessary matching funds for programs for handicapped and disadvantaged persons. Accordingly, while the Commissioner believes that most States have overcome initial difficulties in this area, those States that

qualify for matching adjustments may use a larger Federal share to pay for national priority programs for handicapped and disadvantaged persons.

(i) *Substituting additional Federal funds from the 102(a) allotment for matching funds that the State is unable to provide (§ 104.308).* This section requires a State that qualifies for a matching adjustment to use additional Federal funds from its Section 102(a) allotment to substitute for categorical matching funds that the State is unable to provide. It does not relieve the State or localities from the overall statewide matching for vocational education or for the maintenance of effort requirements. As illustrated by the example below, if a State demonstrates that it needs a matching adjustment and that it is able to provide only \$150,000 of the necessary \$250,000 in State matching funds for the disadvantaged, it must use an additional \$100,000 from its Section 102(a) allotment, above the twenty percent already set aside, for vocational programs, activities, and services for disadvantaged students. These additional Federal dollars will ensure that total current expenditures for disadvantaged persons will not decrease. Rather, it is anticipated that expenditures should increase since a larger portion of the Federal allotment will be spent for the disadvantaged. The same principle applies to national priority programs for handicapped persons.

Example: \$250,000 = 20% of State's 102(a) allotment which must be spent for the disadvantaged
\$150,000 = State's ability to match
\$100,000 = additional Federal dollars from 102(a) allotment
\$500,000 = Total minimum expenditure for disadvantaged.

Drawing upon additional Federal funds to spend on Section 110 (a) and (b) national priority programs will require careful planning. Thus, a State which requests a matching adjustment must describe in its State plan the amount of additional Federal funds from the 102(a) allotment it will use for the particular national priority it is unable to support. The State must also describe in its plan which eligible recipients are targeted to receive additional Federal funds and the reasons for choosing those recipients.

The Commissioner will review these provisions in the State plan and determine whether the State has allocated funds appropriately to ensure that it will meet minimum expenditure requirements for the national priority programs. If the State's documentation and planning provisions are adequate, and the State plan meets all other legal requirements, the matching adjustment

will be approved as part of the normal State plan approval process.

A State that needs a matching adjustment will have to request the adjustment and provide justification annually regardless of whether it submits a three-year or an annual program plan, prior to receiving its grant award. The Commissioner believes that all States, by increasing their efforts, should be able to gradually provide necessary matching funds. Thus, the Commissioner expects the percentage matching adjustment requested by any particular State to decline each year until Fiscal Year 1983, after which each State will generate sufficient matching funds.

(ii) *Criteria for demonstrating financial inability (§ 104.308)*. As stated previously, the remedial measures in Pub. L. 96-46 are designed to assist only those States and localities that are "financially unable" to categorically match Federal funds set aside for the handicapped and disadvantaged national priority programs. During development of these proposed regulations, considerable discussion was devoted to determining what constitutes financial inability. In § 104.308 of these proposed regulations the Commissioner lists several circumstances in which it is believed that financial inability could occur. Public comment on this area is especially desired.

In addition to listing these specific circumstances which could give rise to financial inability in particular LEAs, this section also permits a State to explain other unique fiscal or budgetary conditions which prevent the State from generating sufficient matching funds. If the Commissioner determines that a State has also demonstrated financial inability in this manner, then both the particular LEAs and the State will be granted matching adjustments.

Regardless of whether a State's inability to match is due to the specific circumstances listed in § 104.308 of these proposed regulations or whether it results from other unique fiscal conditions, its State plan must include detailed documentation supporting its case. The State must also describe how it intends to energetically seek matching funds from all potential sources. To increase the availability and use of all resources for matching, the State could consider entering into cooperative arrangements with other State and local agencies that are responsible for administering programs under the Rehabilitation Act of 1973, as amended, Pub. L. 93-112.

(iii) *Enforcement proceedings*. The Commissioner will use appropriate

enforcement proceedings to achieve compliance with Section 110 of the Vocational Education Act. A State that does not demonstrate financial inability will remain subject to current requirements that it generate a dollar-for-dollar State match for the minimum percentages set aside under Section 110. Thus, if a State's request for a matching adjustment is denied and it fails to generate its full State match, the State will have violated the law. Consequently, the State would risk enforcement proceedings which could disrupt the flow of Federal vocational education funds.

(2) *Desirability of Establishing a Maintenance of Effort Requirement for National Priority Programs for Handicapped and Disadvantaged Persons in States Who Have Been granted a Matching Adjustment*. The Commissioner is considering the desirability of requiring that States and eligible recipients who have been granted an adjustment of matching requirements as authorized by Pub. L. 96-46 Section 5, must maintain the previous year's fiscal effort in the particular program(s) for which the matching adjustment was allowed. The Commissioner will include the following provision in the final regulations implementing this if the effects of the requirement are believed to be beneficial to handicapped and disadvantaged students.

Section 104.323(b) would be redesignated as (c). A new paragraph (b) would be added to read:

(b) A State or locality may not reduce its fiscal effort for a national priority program for handicapped or disadvantaged students during any fiscal year in which an adjustment of matching requirements is granted for that program.

The Commissioner is also interested in receiving comments on the following related issues: Would the recordkeeping necessary to account for these funds be unduly burdensome? Should States or LEAs or OERs for whom matching adjustments have been approved be subject to the unusual circumstance rule (§ 104.323) or should such recipients be ineligible for applying to the Commissioner for any reduction of effort due to unusual circumstances? What are the potential beneficial or negative effects of implementing the above described requirements for handicapped and disadvantaged students in particular States and localities?

(3) *Reduction of Data Burden (§ 104.241)*. Section 5 of Pub. L. 96-46 urges the Commissioner to eliminate duplication in data collection. Recently, there has been concern that data which

§ 104.241(a) of the vocational education regulations requires in the annual accountability report is repeated both in the Vocational Education Data System (VEDS), authorized under Section 161 of the Vocational Education Act, and in the annual survey authorized under Section 406A of the General Education Provisions Act (formerly the Section 437 survey).

To prevent States from having to submit duplicative data, the Commissioner proposes to modify § 104.241(a) of the current regulations which governs the statistical portion of the annual accountability report. Under the proposed rule, this section of the accountability report would contain a narrative explanation with supporting data, of any major differences between projected program performance, as set forth in the approved State plan, and actual program performance. If established goals are not met, the State would also explain the reasons for any discrepancies. The State would also describe the uses and results of Federal funds by eligible recipients.

It should be noted that the proposed § 104.241 would require only those data necessary for support of the narrative explanation and not the inclusion of entire statistical tables available in other public documents. Any documents supporting tabular displays or statistical analyses used by the State to meet these reporting requirements should be made readily available to interested parties such as State advisory councils on vocational education.

These changes will not affect the State's responsibilities under Section 406A (GEPA) and Section 161 of the Vocational Education Act to submit statistical data to the Commissioner and to the National Center for Education Statistics (NCES).

Other options are being actively considered. In particular, the Commissioner invites comments on whether he could eliminate entirely the requirement for a separate report under this provision. Comments should explore such questions as the following:

Does the narrative portion of the accountability report duplicate data already collected in other forms? What interests would be affected if a separate report were entirely eliminated? Could those interests be served just as well by adjusting the format of other reports and data collection instruments or by incorporating a narrative accountability statement into the Vocational Education Data System?

(b) *Summary of other technical and miscellaneous provisions*. Technical and miscellaneous provisions of these

proposed regulations include the following:

(1) *Deleting the requirement that sex-equity personnel review Title IX self-evaluations* (§ 104.75). The Vocational Education Act, as amended by Pub. L. 94-482, requires that each State assign full-time personnel to carry out nine specific functions to achieve sex equity in vocational education. The Vocational Education regulations, at § 104.75(i), also required the full-time personnel to review Title IX self-evaluations. This Title IX requirement was added in 1977 because it was believed that the self-evaluations would assist the full-time personnel in assessing the needs of the State and setting goals toward achieving sex equity. Under the regulations for Title IX of the Education Amendments of 1972 (45 CFR Part 86), each recipient of Federal funds was required to evaluate its practices and policies in terms of the requirements of Title IX and to keep the evaluation on file for three years. This requirement expired in July 1979. Therefore, the self-evaluations may no longer be available for review by the full-time vocational sex equity personnel. The Commissioner proposes to delete § 104.75(i).

(2) *Extending the Date for Submitting Annual Evaluations to March 1* (§ 104.97). It is often difficult for State Advisory Councils for Vocational Education to evaluate the State's programs when fiscal reports are unavailable due to different reporting requirements. For this reason, § 104.97 proposes to allow the State Advisory Councils for Vocational Education an additional 60 days to submit their annual evaluations, rather than requiring the reports to be due by December 31.

(3) *Maintenance of Effort* (§ 104.323). In this section, the Commissioner proposes to eliminate the five percent rule in §§ 104.323, 104.327 and 104.330 of the vocational education regulations. This rule currently allows States, LEAs and postsecondary institutions to reduce effort by up to five percent of the base year's expenditures on either a per student or an aggregate basis. The rationale underlying this rule was set forth in Appendix B to the vocational education program regulations published in 42 FR 53877 on October 3, 1977. The Committee on Education and Labor in the U.S. House of Representatives recently stated, however, that it "believes a declining maintenance of effort provision, as provided in the vocational education regulations, violates the Congressional intention in enacting the Vocational Education Act, and therefore HEW is

urged to revise those regulations." (H.R. No. 95-1137, P. 40)

The Commissioner shares congressional concern that the five percent rule may encourage declining expenditures for the vocational education program. Accordingly, the Commissioner proposes to delete the rule. In the future, States may reduce fiscal effort only in unusual circumstances as defined by § 104.324.

(4) *Incentives to Overcome Sex Bias and Sex Stereotyping*. This section amends § 104.187 of the vocational education regulations to adopt the language used in the Vocational Education Act. Section 107(b)(4) of the Act requires that States use incentives to encourage eligible recipients to eliminate sex bias in vocational programs and services. Those incentives should encourage enrollment of both sexes in nontraditional and mixed courses of study and stimulate development of model programs to reduce sex stereotyping prevalent in the training and placing of students in all occupations.

An error was made in § 104.187 of the vocational education regulations at the time of publication. That section used the singular word "incentive" rather than the plural word, "incentives." Some persons, by reading the regulations without referring to the Act, may believe that States are required to offer only one incentive. By changing the word "incentive" to "incentives," the regulation will clearly reflect the statutory requirement that States offer more than one incentive to eliminate sex bias and sex stereotyping.

(5) *Mechanism for Assuring Appropriate Representation of Special Groups (including the handicapped) on Local Advisory Councils* (§§ 104.189 and 104.111). Under Section 105(g)(1) of the Vocational Education Act, each LEA or OER recipient is required to establish a local advisory council to provide the recipient with advice on current job needs and the relevancy of various programs to meet those needs. The vocational education regulations in §§ 104.111(c) and 104.111(d) further specify that each local advisory council must have appropriate representation from both sexes, racial and ethnic minorities, and must include business, industry, and labor.

The Commissioner proposes to amend § 104.111(d) to require that local advisory councils also include appropriate representation of handicapped individuals. Handicapped members should provide a valuable perspective to local councils, particularly in advising eligible

recipients on developing and modifying programs for the handicapped.

The Commissioner also wishes to address another concern with respect to local advisory councils. While States have certified the establishment of local advisory councils, it appears that some States may not be verifying that the local advisory councils are composed of the required membership. As a result, the Bureau of Occupational and Adult Education instructed each State in February 1979 to develop a mechanism for monitoring compliance with regulations relating to local advisory council composition.

These proposed regulations in § 104.189 require the State to prepare an addendum to its five-year plan which briefly describes its procedures for verifying local advisory council membership. This addendum may be submitted along with the State's annual or three-year plan in the summer of 1980.

(6) *Deleting Requirement that Research Coordinating Units (RCUs) Submit Project Abstracts and Final Reports to the Commissioner* (§ 104.703). The purpose of this section is to reduce the paper burden on research coordinating units. Under § 104.703(e) of the vocational education regulations RCU's must submit copies of program improvement project abstracts and final reports to both the National Center for Research in Vocational Education and to the Commissioner of Education.

The Commissioner believes that this requirement places an unnecessary burden on the RCU's. In the future, abstracts and final reports will still be sent to the National Center for Research in Vocational Education, but RCU's will no longer be required to submit these documents to the Commissioner.

(7) *Providing Grants Rather Than Contracts to Indian Tribes* (§§ 105.201 through 105.213). The Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224, eliminated assistance contracts, which were the instruments issued under the Commissioner's Discretionary Program for Indian Tribes. Therefore, the Commissioner proposes to issue grants under the Discretionary Program for Indian Tribes and change the word "contract", wherever it appears in §§ 105.201 through 105.213, to "grant"

(8) *Leadership Development Criteria*. Changes are made to § 105.30c(b) to increase the stipend for the summer months to be equitable to similar academic stipend payments. A further change is made to § 109.310 to bring the minimum number of enrollees per institution to a more efficient number and also improve the program's quality. A final change in the criteria used to

determined which institutions will be approved will include qualitative ratings.

Invitation to Comment

Interested persons are invited to submit comments, suggestions, and recommendations to be considered prior to the issuance of the final regulations. Written comments, suggestions, and recommendations may be sent to the address given at the beginning of this document. All comments received on or before the 60th day after publication of these proposed regulations will be considered. All comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 5652, ROB-3, 7th and D Streets, SW, Washington, DC between the hours of 8:30 a.m. and 4:00 p.m. Monday through Friday of each week except Federal holidays.

Citation of Legal Authority

As required by Section 431(a) of the General Education Provisions Act, as amended (20 U.S.C. 1232(a)), a citation to statutory or other legal authority has been placed in parentheses on the line following the text of each section.

Dated: April 21, 1980.

Approved:

William L. Smith,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Nos. 13.493, 13.495, 13.500, 13.503, 18.588)

PART 104—STATE VOCATIONAL EDUCATION PROGRAMS

The Commissioner proposes to amend Title 45 of the Code of Federal Regulations (CFR), Parts 104 and 105 to read as follows:

§ 104.75 [Amended]

1. Section 104.75 is amended as follows:

§ 104.75(i) is deleted.

§ 104.75(j) [Redesignated as § 104.75(i)]

§ 104.75(j) is redesignated as § 104.75(i).

(Sec. 104(b)(1); 20 U.S.C. 2304)

* * * * *

2. Section 104.97 is amended by revising the lead-in paragraph as follows:

§ 104.97 Annual evaluation report.

The State advisory council, shall no later than March 1, of each year, prepare and submit through the State board to the Commissioner and to the National Advisory Council on Vocational Education, an annual evaluation report covering the previous fiscal year, under

the authority of § 104.93(e). This report shall include:

* * * * *
(Sec. 105(d)(3)(A); 20 U.S.C. 2305)

* * * * *
3. Section 104.111 is amended by revising paragraph (d) as follows:

§ 104.111 Establishment of local advisory councils.

* * * * *

(d) Each eligible recipient shall establish a local advisory council which has an appropriate representation of both sexes, an appropriate representation of handicapped individuals, and an appropriate representation of the racial and ethnic minorities found in the program areas, schools, community, or region which the local advisory council serves.

(Implements Sec. 105(g)(1); 20 U.S.C. 2305)

* * * * *

4. Section 104.187 is amended by revising the section heading and paragraph (a)(2) as follows:

§ 104.187 Policies for eliminating sex discrimination.

* * * * *

(a)(2) Incentives adopted by the State for eligible recipients to—

(i) Encourage both women and men to enroll in nontraditional and mixed courses of study; and

(ii) Develop model programs to reduce sex bias and sex stereotyping in training for and placement in all occupations.

(Sec. 107(b)(4); 20 U.S.C. 2307)

* * * * *

5. A new § 104.189 is added.

§ 104.189 Mechanism to verify local advisory council membership.

The five-year State plan shall describe the State's mechanism for verifying that the membership of local advisory councils conforms with the requirements in § 104.111 (c) and (d).

(Implements Sec. 105(g)(1); 20 U.S.C. 2305)

* * * * *

6. Section 104.241(a) is revised to read as follows:

§ 104.241 Content of the accountability report.

(a) The accountability report shall—

(1) Explain any significant differences between program performance during the fiscal year covered by submission of the report and projected accomplishments as set forth in the corresponding State annual program plan;

(2) Set forth the reasons for any discrepancies in the use, amount, and source of program funding, if established goals of the State are not met and what

corrective actions were taken because of the discrepancies;

(3) Analyze the manner in which the actual distribution of Federal funds among eligible recipients complies with the assurance given in the general application and in accordance with the policies and procedures in § 104.182(d); and

(4) Summarize program goals met and results achieved.

* * * * *

7 In § 104.303, paragraph (c) is redesignated as paragraph (d), paragraphs (a) and (b) are revised and a new paragraph (c) is added to read as follows:

§ 104.303 Federal share of expenditures—national priority programs.

(a) The Commissioner will pay to each State an amount not to exceed 50 percent of the excess cost of—

(1) Special educational and related services above the costs for nonhandicapped students of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for handicapped persons;

(2) Special educational and related services above the costs for nondisadvantaged persons of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for disadvantaged persons (other than handicapped persons); and

(3) Special educational and related services above the costs for persons who are not classified as persons of "limited English-speaking ability" of programs, services, and activities under the basic grant in subpart 2 and program improvement and supportive services in subpart 3 for persons who have limited English-speaking ability.

(b) The Commissioner will pay to each State an amount not to exceed 50 percent of the costs of stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

(c) The Federal share described above in (a) of this section may be increased in accordance with § 104.308.

* * * * *
(Implements Sec. 110; 20 U.S.C. 2310)

* * * * *

8. A new § 104.308 is added.

§ 104.308 Federal share of expenditures adjusted—national priority programs.

(a) The Commissioner may allow a State to exceed the 50 percent Federal share of expenditures for the excess costs of programs, services, and

activities for handicapped and disadvantaged persons in Section 110 (a) or (b) of the Act if the State demonstrates, subject to the requirements of this section, that it is financially unable to meet the matching requirements of Section 110(a) or (b).

(Section 110(e); 20 U.S.C. 2310)

(b) The Commissioner determines if a State is financially unable to meet the matching requirements of Section 110(a) or (b). The Commissioner, taking into account the unique school financing laws of each State, considers financial inability to include, but not be limited to, any of the following situations:

(1) Available revenue is substantially reduced due to exceptional and unexpected circumstances such as—

(i) A natural or man-made disaster;

(ii) The unexpected removal of property from the tax roll by government action; or

(iii) The unexpected departure of an industrial or commercial entity.

(2) Eligible recipients within the State have reached their bonding or taxing limits and, as a result, are unable to generate necessary revenues to operate national priority programs for the handicapped or disadvantaged.

(3) The State's tax effort for public education is greater than the national average, yet the State's per pupil expenditures for public education are below the national average. For purposes of this section, tax effort means the aggregate of State and local revenues spent for public elementary and secondary education as a percentage of total personal income of the citizens of the State.

(4) The State is subject to other unique fiscal or budgetary conditions which are beyond the control of the State and which prevent the State from providing sufficient matching funds.

(Implements Sec. 110(e); 20 U.S.C. 2310)

(c) If a State receives approval to exceed the 50 percent Federal share, it shall do so by using additional funds from its Section 102(a) allotment beyond those already set aside to comply with the minimum percentage requirements in Section 110 of the Act. The State must use additional Federal funds above the minimum percentages currently required (10 percent for the handicapped and 20 percent for the disadvantaged) to substitute for the matching portion which the State is unable to provide.

For example, if 20 percent of a State's 102(a) allotment is \$250,000 and the State demonstrates that it is financially able to provide only \$150,000 of the necessary matching funds, it shall increase the Federal share by spending

an additional \$100,000 for vocational programs, services, and activities for disadvantaged students from its Section 102(a) allotment. Thus, the State's expenditures would be as follows:

\$250,000=20 percent minimum Federal dollars for disadvantaged
\$150,000=State's ability to match
\$100,000=additional Federal dollars from 102(a) allotment
\$500,000=Total minimum expenditure for disadvantaged

(Interprets Sec. 110(e); 20 U.S.C. 2310)

(d) A State shall include annually in its State plan, or in an amendment to its State plan, its request to exceed the 50 percent Federal share. A State shall specifically set forth in its State plan—

(1) The amount of Federal funds beyond the minimum percentages required by Section 110 (a) and (b) of the Act which it intends to expend from its 102(a) allotment for the handicapped and disadvantaged national priority programs. The State shall set forth the individual amounts targeted for the handicapped and the disadvantaged separately;

(2) A list of eligible recipients which the State intends to assist with a greater amount of Federal funds along with the State's reasons for choosing each of these eligible recipients;

(3) Documentation adequate for the Commissioner to determine whether the State is financially unable to meet the matching requirements of Section 110 (a) and (b). This documentation shall address the criteria listed in paragraph (b) above;

(4) A description of steps taken by the State, since passage of the Vocational Education Amendments of 1976, Pub. L. 94-482, to secure necessary funds or reprogram existing State or local funds for Section 110 (a) and (b) national priority programs. This description shall also explain what steps the State will take during each succeeding year to increase its matching share for the national priority programs; and States should include a description of any special cooperative arrangements the State has entered into with other agencies that have not been previously reported in the State plan; and

(5) Any other pertinent information that the Commissioner may require.

(Implements Sec. 110(e); 20 U.S.C. 2310)

(e) A State which fails to demonstrate financial inability to the Commissioner's satisfaction shall spend and match the minimum percentages required under §§ 104.312 and 104.313.

(Sec. 110; 20 U.S.C. 2310)

* * * * *

9. Section 104.312 is revised to read as follows:

§ 104.312 Minimum percentage for the handicapped.

(a) The State shall expend at least 10 percent of the Section 102(a) allotment for vocational education for handicapped persons as described in paragraphs (b), (c) and (d) of this section. A State that is granted a matching adjustment as described in § 104.308 shall increase this 10 percent minimum expenditure of 102(a) funds by an amount not less than the amount of State matching funds which it is unable to provide for Section 110(a) vocational education for handicapped persons.

(b) The State shall use these funds, to the maximum extent possible, to enable handicapped persons to participate in the regular vocational education program. Exclusion of a handicapped student from the regular education environment may occur only when the LEA can document that the severity and nature of the handicap are such that the education of the student, even with the use of supplementary aids and services, cannot be achieved satisfactorily in regular classes. For handicapped persons under twenty-one years of age, exclusion from the regular education environment may occur only if it is consistent with the student's Individualized Education Program (IEP) that is developed in accordance with the Education of the Handicapped Act, as amended, Pub. L. 94-142. Handicapped students may not be excluded from the regular classroom because of inaccessible facilities. Exclusion of a handicapped student from the regular classroom setting in no way relieves the State of responsibility to provide a free and appropriate education.

(c) The State shall use the funds available under paragraph (a) of this section to pay for the supplementary programs, services and activities necessary to mainstream the handicapped student in a regular vocational education class with nonhandicapped students. These supplementary special programs, services, and activities may include, but are not limited to—

(1) Assignment of special personnel to the class;

(2) Special program modifications;

(3) Provision of special remedial education instruction;

(4) Special counseling;

(5) Reader/interpreter services; and

(6) Equipment modification.

(d) The State may use funds available under paragraph (a) of this section to pay the full cost of separate specialized programs comparable to the regular program for handicapped students who, as described in paragraph (b) of this section, cannot benefit from the regular

vocational education program even with the use of supplementary aids and services. The State may pay the full cost of the separate specialized program from Federal and matching State and local funds only if the average statewide (State and local) per student expenditure for handicapped persons equals or exceeds the average per student expenditure for nonhandicapped persons.

(Interprets Sec. 110(a), (d) and (e); 20 U.S.C. 2310)

10. Section 104.313 is revised to read as follows:

§ 104.313 Minimum percentage for the disadvantaged.

(a) The State shall expend at least 20 percent of the Section 102(a) allotment, subject to the conditions of paragraph (e) of this section, for vocational education for the purposes listed below. A State that is granted a matching adjustment as described in § 104.308 shall increase this 20 percent minimum expenditure by an amount not less than the amount of State matching funds which it is unable to provide for vocational education for the following three purposes:

- (1) Vocational education for disadvantaged persons (other than handicapped persons) as described in § 104.303(a)(2);
- (2) Vocational education for persons who have limited English-speaking ability as described in § 104.303(a)(3); and
- (3) Stipends for students entering or already enrolled in vocational education programs who have acute economic needs which cannot be met under work-study programs.

(b) The State shall use the funds available under paragraph (a) of this section to pay for special programs, services and activities necessary to mainstream the disadvantaged student and limited English-speaking ability student in a regular vocational education program. These special programs, services and activities may include, but are not limited to—

- (1) Assignment of special personnel to the class;
- (2) Special program modifications;
- (3) Provision of special remedial education instruction;
- (4) Counseling related to attendance or home problems;
- (5) Placement and follow-up services; and
- (6) Competency based instructional materials.

(c) The State shall use, to the maximum extent possible, the funds available under paragraph (a) to enable

disadvantaged persons and persons of limited English-speaking ability to participate in the regular vocational education program. Removal of the disadvantaged student from the regular education environment may occur only when—

- (1) The student is severely disadvantaged; and
 - (2) The education of the student, even with the use of supplementary aids and services, cannot be achieved satisfactorily in regular classes.
- (d) The State may use funds available under paragraph (a) of this section to pay the full cost of separate specialized programs for disadvantaged students who, as described in paragraph (c) of this section, cannot benefit from the regular vocational education program even with the use of supplementary aids and services. The State may pay the full cost of the separate specialized program from Federal and matching State and local funds only if the average statewide (State and local) per student expenditure for disadvantaged persons equals or exceeds the average per student expenditure for nondisadvantaged persons.

(Interprets Sec. 110(b), (d) and (e); 20 U.S.C. 2310)

(e) The State shall use the following formula in determining its expenditures of funds under paragraph (a) of this section for vocational education for persons who have limited English-speaking ability:

- (1) Determine the amount of Federal funds reserved for the purposes of paragraph (a) of this section.
- (2) Determine the population having limited English-speaking ability who are between the ages of 15 and 24 inclusively.
- (3) Determine the total population of the State aged 15 to 24 inclusively.
- (4) Divide the value in step two by the value in step three.
- (5) Multiply the quotient from step four by the total amount reserved for paragraph (a) of this section as indicated in step one.
- (6) Expend at least this amount for vocational education for persons having limited English-speaking ability. The amount expended for this purpose shall not exceed the total amount reserved for paragraph (a) of this section.

For example, a State reserves \$500,000 for the purposes of paragraph (a) of this section. The State determines its limited English-speaking population between the ages of 15 and 24 is 10,000 and the total population in the State aged 15–24 is 200,000. 10,000 is divided by 200,000 and the quotient is .05. \$500,000 is multiplied by .05 and the product is

\$25,000. Accordingly, the State expends at least \$25,000 for vocational education for persons who have limited-English speaking ability, but no more than \$500,000.

(Implements Sec. 110(b)(2); 20 U.S.C. 2310)

Maintenance of Effort (Unusual circumstances rule)

§ 104.323 [Deleted]

11. § 104.323 is deleted.
12. § 104.324 is redesignated as § 104.323 and reads as follows:

§ 104.323 Unusual circumstances rule.

(a) Any reduction in fiscal effort for any fiscal year will disqualify the State from receiving Federal funds unless the State is able to demonstrate to the satisfaction of the Commissioner any of the following:

(1) In the preceding fiscal year, the reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the State. Unusual circumstances may include unforeseen decreases in revenues due to the decline of the tax base.

(2) In the second preceding fiscal year, contributions of large sums of monies were received from outside sources.

(3) In the second preceding fiscal year, large amounts of funds were expended for long-term purposes such as construction and acquisition of school facilities or the acquisition of capital equipment.

(b) This proposed section will apply beginning with grants awarded in Fiscal Year 1981.

(Interprets Sec. 111(b); 20 U.S.C. 2311)

§ 104.325 [Redesignated as § 104.324]

13. § 104.325 is redesignated as § 104.324.

§ 104.326 [Redesignated as § 104.325]

14. § 104.326 is redesignated as § 104.325.

15. § 104.327 is redesignated as § 104.326 and reads:

§ 104.326 Exception for local education agencies.

The unusual circumstance rule applicable to the State in § 104.323 is also applicable to local educational agencies.

§ 104.328 [Redesignated as § 104.327]

16. § 104.328 is redesignated as § 104.327

§ 104.329 [Redesignated as § 104.328]

17. § 104.329 is redesignated as § 104.328.

18. § 104.330 is redesignated as § 104.329 and reads:

§ 104.329 Exception for postsecondary education institutions.

The unusual circumstance rule applicable to the State in § 104.323 is also applicable to postsecondary educational institutions.

(Sec. 111(b)(1) and (2); 20 U.S.C. 2311; House Rept. No. 95-1127, P. 40)

* * * * *

19. Section 104.703(e) is revised as follows:

§ 104.703 Research coordinating unit.

* * * * *

(e) The research coordinating unit shall submit to the National Center for Research in Vocational Education the following:

(1) Two copies of an abstract of each approved project for program improvement, within 30 calendar days after approval of the project, containing the source and amount of funds obligated for the project.

(2) Two copies of the final report resulting from the State project, within three months after the ending day of the project.

(Implements Secs. 130, 131, 132, 133, 171; 20 U.S.C. 2350 through 2353, 2401)

* * * * *

PART 105—COMMISSIONER'S DISCRETIONARY PROGRAMS OF VOCATIONAL EDUCATION

20. Section 105.201 is revised as follows:

§ 105.201 Purpose.

The program for Indian tribes and Indian organizations provides grants directly to Indian tribal organizations, with funds available under Section 103(a)(1) of the Act, to plan, conduct, and administer programs which are authorized by Section 103(a)(1)(B)(iii) of the Act.

(Sec. 103(a)(1); 20 U.S.C. 2303)

21. Section 105.202(a) is revised as follows:

§ 105.202 Applicability of the Indian Self-Determination Act of 1975.

(a) Any grant awarded under this subpart is subject to the provisions of Sections 4, 5, 6, 7(b) and 102 of the "Indian Self-Determination and Education Assistance Act of 1975," Pub. L. 93-638.

* * * * *

22. Section 105.204 is revised to read as follows:

§ 105.204 Competitive awards.

Awards will be made competitively through grants governed by Subchapter A of Title 45 CFR.

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450e)

23. Section 105.205 is revised as follows:

§ 105.205 Eligible applicants.

An Indian tribal organization of an Indian tribe which is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination and Education Assistance Act of 1975 or under the Act of April 16, 1934, is eligible for grant awards under this program.

(Sec. 103(a)(1)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. 450f.)

24. Section 105.206 is revised to read as follows:

§ 105.206 Applicants for grants.

(a) An application from an eligible tribal organization must be submitted to the Commissioner by the Indian tribe and must contain the information that the Commissioner requires.

(b) An application which serves more than one Indian tribe shall be approved by each tribe to be served in the application.

(Sec. 103(a)(1)(B)(iii); Pub. L. No. 93-638; 20 U.S.C. 2303; 25 U.S.C. 450b(c))

25. Section 105.210 was revoked by EDGAR regulations published on April 3, 1980 at 45 FR 22530. Section 105.210 is reinstated and revised as follows:

§ 105.210 Final reports.

The grantee shall submit such final financial status and performance reports as the Commissioner shall request.

(45 CFR 100a.730-732; 20 U.S.C. 2303)

26. Section 105.211 is revised to read as follows:

§ 105.211 Selected criteria.

The Commissioner uses the criteria in this section to evaluate applications for new awards. The maximum score for all of the criteria is 100 points.

(a) *Program improvement.* (Maximum 15 points). The application focuses on the improvement of vocational education opportunities for Indians and clearly states the way in which the proposed project will contribute to improved services for the specific target group.

(b) *Need.* (Maximum 10 points.) The extent to which the applicant—

(1) Describes the need for the proposed activity;

(2) Provides specific evidence of the need;

(3) Indicates specifically how the need will be met; and

(4) Describes, where appropriate, ongoing and planned activities in the community relative to the need.

(c) *Objectives.* (Maximum 10 points.) The extent to which the objectives—

(1) Relate to the need;

(2) Are significant for vocational education;

(3) Clearly describe proposed program outcomes;

(4) Are capable of being attained; and

(6) Are measurable.

(d) *Plan.* (Maximum 15 points.) The extent to which the applicant proposes a plan that clearly describes the way in which the objectives will be accomplished by—

(1) The overall design for the proposed program; and

(2) The use of specific procedures to implement activities designed to accomplish each objective of each segment of the proposed program;

(3) A description of—

(i) Specific activities to be conducted in the proposed program;

(ii) Instruments to be used in the proposed program;

(iii) Instructional material to be used in the proposed program, if appropriate; and

(iv) Population to be served by the proposed program; and

(4) Statistical and analytical procedures, if appropriate.

(e) *Management plan.* (Maximum 10 points.) The extent to which the management plan adequately describes the way in which personnel and resources will be utilized to accomplish each objective, the overall design, and each major procedure.

(f) *Evaluation plan.* (Maximum 10 points.) The extent to which valid and reliable instruments and procedures are used for assessing and documenting the impact of project results in terms of the achievement of project goals and objectives.

(g) *Applicant's staff competencies and experience.* (Maximum 10 points.) The extent to which the application clearly describes—

(1) The competencies that are required for the proposed project;

(2) The names and qualifications (including project management qualifications) of the project director, key professional staff, advisory groups, and any consultants;

(3) Time commitments planned for the project by the project director, key staff, advisory groups, and any consultants;

(4) Evidence of past and successful experience of the proposed project director and key staff members in similar or related projects;

(5) Evidence of commitment to Section 7(b) of the Indian Self-Determination and Education Assistance Act.

(h) *Budget and cost effectiveness.*

(Maximum 10 points.) The extent to which the application provides a justifiable and itemized statement of cost which contains line items in the proposed budget and appears to be cost effective with respect to proposed results.

(i) *Institutional capability and commitment.* (Maximum 10 points.) The extent to which the application provides adequate evidence of—

(1) Institutional experience and commitment to the proposed work;

(2) Appropriate facilities and equipment; and

(3) Documented assurances of support from cooperating local educational agencies, postsecondary institutions, business, industry, or labor, if support from any of these groups is necessary for successful implementation of the project.

(20 U.S.C. 2303; 25 U.S.C. 450f)

27 Section 105.212 introductory text is revised as follows:

§ 105.212 Additional factors for declining to award a grant.

In addition to the weighted selection criteria listed in § 105.211, the Commissioner may use any of the factors listed below in making a decision whether to award a grant to an eligible applicant.

* * * * *

(Implements Sec. 103(a)(i)(B)(iii); 20 U.S.C. 2303; 25 U.S.C. Sec. 450f)

28. Section 105.213 is revised as follows:

§ 105.213 Hearing by the Commissioner after declining to award a grant.

After receiving notice from the Commissioner that the Office of Education will not award a grant to an eligible applicant, the tribal organization or the tribe shall have 30 calendar days to request a hearing, in writing, to review the Commissioner's decision.

(25 U.S.C. 450f.)

29. Section 105.306(b) is revised as follows:

§ 105.306 Stipends to individuals.

* * * * *

(b) *Summer session.* The following additional stipends may be awarded: (1) \$1,500 for full-time summer study at the same institution of higher education; and

(2) \$225 for this period for each dependent.

(Implements Sec. 172(b)(2)(A); 20 U.S.C. 2402)

* * * * *

30. Section 105.310 is revised as follows:

§ 105.310 Assignment to approved institution.

Each applicant for an award shall identify a first, second, and third choice of institutions (approved under § 105.311) he or she desires to attend. The Commissioner reserves the right to redistribute award recipients among the approved institutions in order that each institution will have a minimum of five and a maximum of fifteen awardees to assure the effectiveness of the vocational education leadership development program.

(Implements Sec. 172(a)(1); 20 U.S.C. 2402)

31. Section 105.311 is revised to read as follows:

§ 105.311 Institutional eligibility and approval.

Upon receipt of an application from an institution of higher education requesting approval of its vocational education leadership development program or from an institution of higher education on behalf of a consortium of institutions, the Commissioner will use the following criteria in reviewing the application:

(a) *Eligibility criteria.* The application will be considered eligible if evidence is presented in the application that:

(1) The program includes at least five of the generally recognized fields of vocational education;

(2) The program is conducted in a school of graduate study; and

(3) The program provides opportunities for graduate training for individuals such as vocational education teachers, supervisors, guidance and counseling personnel, administrators, teacher educators, researchers, curriculum development, sex equity, and civil rights specialists.

(Interprets Sec. 172(b)(3)(A) & (B); 20 U.S.C. 2402)

(b) *Technical review criteria.* (The criteria in 45 CFR 100a.202-206 do not apply to this program.) The application must address each of the following review criteria in sequence. Each criterion has a maximum and a minimum score. To be considered for approval, an application must receive at

least the minimum score on each of the five criteria. Points will be awarded to the extent the application clearly describes:

(1) *Comprehensiveness.* (Maximum 30, minimum 15 points.)

(i) The comprehensiveness of the vocational education leadership development program;

(ii) The adequacy of resources and supporting services in five or more fields of vocational education, including available literature and library collections in vocational education;

(iii) Vocational education staff membership on the graduate faculty of the institution(s) in at least five of the fields of vocational education; and

(iv) Opportunities for formal studies in economic and community development, productivity, and energy conservation and production.

(2) *Supporting disciplines.* (Maximum 20, minimum 10 points.)

(i) The availability of supporting disciplines, such as educational administration, guidance and counseling, research, and curriculum development, including the adequacy of their integration into the leadership development program; and

(ii) The use of related subject areas, such as economics, sociology, and psychology, to enhance the leadership development program.

(3) *Special Needs.* (Maximum 15, minimum 8 points.)

The institution's capacity and commitment to offer those leadership skills necessary to increase the participation of groups such as the disadvantaged, handicapped, minorities, and females in vocational education programs at all levels.

(4) *Practical experience and internships.* (Maximum 15, minimum 7 points.) The appropriateness and scope of the provisions made for practical experience and internships as integral components of the leadership development program.

(5) *Individual awardee needs.* (Maximum 20, minimum 10 points.)

The evidence that the program is designed to meet the developmental needs of the individual awardee and to prepare the awardee to assume a responsible position of leadership in vocational education.

(c) *Additional criterion.* In addition to the criteria listed above, the Commissioner selects applicants to ensure appropriate geographical distribution.

A list of institutions or consortia with approved leadership development programs will be published in the Federal Register and will be included in the individual application packets. This list will be used by individual applicants to identify their first, second, and third choice of institutions as required by § 105.310. The institutions, or consortia, listed will be those which scored highest on the technical review criteria. The number listed will be proportionate to the funds available in order to assure a minimum of five and a maximum of fifteen awardees per institution, or consortium, receiving a grant award.

(Interprets Sec. 172(b)(3)(A)(B) & 7: 20 U.S.C. 2402; Sec. 101(1) 20 U.S.C. 2301; H.R. Rept. No. 94-1085 p. 55)

[FR Doc. 80-12523 Filed 4-25 80; 8:45 am]

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Department of Housing and Urban Development

Loans for College Housing Programs for Fiscal Year 1980

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 279

[Docket No. R-80-804]

Loans for College Housing Programs for Fiscal Year 1980

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend 24 CFR Part 279, College Housing, by adding a new Subpart E. The amendment will implement the continuation of the college housing program for Fiscal Year 1980. The amendment incorporates the provisions of Subpart D of the current regulations, except as provided in the Supplementary Information below, and implements congressional directives as contained in the Report No. 95-1060 of the Senate Committee on Appropriations on the Department of Housing and Urban Development—Independent Agencies Appropriation Bill, 1980, dated August 1, 1978.

DATE: Comments are due May 28, 1980. The public comment period is being limited to 30 rather than the usual 60 days. It is essential that the final rule be adopted in this proceeding as soon as possible in order to enable HUD to approve funding applications for Fiscal Year 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Jr., Director, Office of Multifamily Housing Development, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Department is proposing to amend 24 CFR Part 279, College Housing, by adding a new Subpart E. The new Subpart E provides (1) that only one application for reservation of funds may be submitted and considered for funding under Section 279.44, (2) that submission of a resolution of the applicant's governing body approving the making of

a housing loan application is required, (3) that Part 2 of the loan application HUD-Form 4501 shall include evidence of previous participation in HUD programs, (4) an increase in per occupant limitations related to the maximum loan and the total development cost, (5) that in the event of a tie in ranking numbers priority consideration will be given to applications where rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing housing and related dining facilities involves conversion of heating systems from oil or gas to coal and/or solar heating systems, (6) separate allocation of funds for specified sub-categories of colleges and universities, based on size, whose applications are in the category of new construction, acquisition conversion or rehabilitation to provide student/faculty housing. In addition, the maximum loan limit based on numbers of full-time students, the separate cost limits for apartments and the requirement that up to ten percent (10%) of the total available funds be reserved in connection with applications from educational institutions which are located in or near a Housing Neighborhood Strategy Area have been eliminated.

The decision to break down the funding categories for new construction, acquisition and rehabilitation to provide student/faculty housing and related dining facilities into four sub-categories, based on enrollment, results from an analysis of the pattern of funding in Fiscal Year 1979. Large institutions have fared far better under the program than small institutions. While the division of the funding in Fiscal Year 1979 into two sub-categories, based on whether the college had an enrollment of under 5,000 or over 5,000 has assisted the smaller institutions, a further breakdown of funding classes into four sub-categories appears justified. In Fiscal Year 1979, nine percent (9%) of the institutions having enrollments below 5,000 were funded. However, only two percent (2%) of the institutions having enrollments of under 3,000 were funded, while thirty percent (30%) of the applicants with enrollments of 3,000 to 5,000 were funded. For the category of institutions with enrollments over 5,000, a total of thirty-three percent (33%) of the applicants were funded. However, only thirteen percent (13%) of those with enrollments of less than 10,000 were funded, whereas sixty-seven percent (67%) of those applicants having enrollments over 10,000 were funded. Based on this analysis, the Department

proposes four sub-categories for funding in Fiscal Year 1980.

Part 279, Subpart A will continue to apply to all applications submitted prior to October 1, 1976, Subpart B will continue to apply to all applications submitted between October 1, 1976 and September 30, 1977, Subpart C will continue to apply to all applications submitted between October 1, 1977 and September 30, 1978, and Subpart D will continue to apply to all applications submitted between October 1, 1978 and September 30, 1979.

Interested persons may participate in this proposed rule making by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All comments received on or before May 28, 1980, will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that this proposed rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respect the National Environmental Policy Act of 1969 has been made in accordance with HUD procedure. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

This rule is listed as item number H-53-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Note.—It is hereby certified that the economic and inflationary impacts of this proposal have been carefully evaluated in accordance with Executive Order No. 11821.

Accordingly, it is proposed that Title 24, PART 279—College Housing, be amended by adding a new Subpart E reading as follows:

Subpart E—College Housing Program for Fiscal Year 1980

Sec.
279.41 Applicability of Part 279 to 1980 program.

279.42 Applications for reservation of funds.

279.43 Limitations on loan amounts.

279.44 Priority categories and funding criteria.

Authority: Section 402, Housing Act of 1950 (12 U.S.C. 1749a); Section 7(d), Department of HUD, Act (42 U.S.C. 3535(d)).

Subpart E—College Housing Program for Fiscal Year 1980

§ 279.41 Applicability of Part 279 to 1980 program.

All provisions of Subpart D of this Part 279 concerning policies and requirements for projects to be funded under the college housing program for Fiscal Year 1979 shall apply to projects to be funded under the college housing program for Fiscal Year 1980 except as follows: Sections 279.36, 279.37 and 279.38.

§ 279.42 Applications for reservation of funds.

(a) Only one application for reservation of funds may be submitted and considered for funding per institution under Section 279.44.

(b) Information and application forms may be obtained from and applications submitted to the field office which serves the area in which the educational institution is located. Applications may be submitted any time after the effective date of this subpart, and will be accepted until close of business on August 15, 1980.

(c) Applications for assistance will consist of two parts:

(1) Part 1 must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type, and accreditation of the educational institution;

(ii) Description and estimated cost of the proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities, an estimate of annual operating cost savings, if any, based on the difference between the average of routine project operating expenses for the previous three (3) years and future operating expenses estimated on the basis of the current prices of fuel, supplies, and services;

(iv) Evidence of need for the proposed project including documentation which supports the eligible applicants estimate of such need;

(v) Preliminary plans and specifications (if applicable);

(vi) Proposed method of financing;

(vii) Certified copies of resolution of the applicant's governing body, authorizing the making of the College Housing Loan Application.

(2) Part 2 must be submitted to receive consideration for loan approval and must include the information specified in Section 279.17 and evidence of previous participation in HUD programs, if any, by the Borrower, its officers or directors, on such forms as may be prescribed by HUD.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD field offices. Field offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.44. No projects will be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding college housing loan. Further, no application competing under the funding category described in Section 279.44(a)(1) shall be recommended for funding where the ranking number assigned to that application exceeds the number of months of the maximum loan term as set forth in § 279.39(b): (i.e., 480 months for a 40-year loan.)

(e) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocation of funds to the field offices will be made. Funds will be reserved, subject to availability, for specific projects by HUD headquarters on the basis of the field office recommendations.

(f) The priority categories and funding criteria specified in § 279.44 will be used by all field offices. Therefore, the ranking numbers assigned to individual applications in accordance with that section will permit a comparison by HUD headquarters among applications recommended for funding by different field offices.

(g) In the event HUD headquarters receives more recommendations for fund reservations than can be funded, HUD headquarters will prepare a nationwide priority list for each of the categories specified in § 279.44(a) by using the ranking numbers assigned by the field offices on the basis of the criteria described in that section. Fund reservations will then be made on the basis of the nationwide lists; provided, however, that the Department may deviate from this ranking system as necessary to ensure that not less than ten percent (10%) of the total funds available is reserved in connection with applications from historically black colleges.

(h) Field office recommendations and rankings for the categories specified in § 279.44 will be due in HUD headquarters on September 15, 1980. No

recommendation will be considered which is sent to HUD headquarters after September 15, 1980, based on postmark or other evidence of dispatch. Funds will be reserved, subject to availability, not later than September 30, 1980.

(i) Applications for which funds are not reserved by the close of business on September 30, 1980, shall be returned to the applicant by the field office.

§ 279.43 Limitations on loan amounts.

(a) The maximum loan which any eligible applicant may request is the lesser of the following: \$5,000,000; or \$14,500 per occupant based on design capacity of the proposed housing, plus \$65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities.

(b) The minimum loan which may be requested is \$25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, a development cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of \$17,000 per occupant based on the design capacity of the proposed housing will not be approved.

(d) The per occupant limitations specified in paragraphs (a) and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD headquarters.

§ 279.44 Priority categories and funding criteria.

(a) In recommending and making reservations of funds, all eligible applications shall be placed in the following categories and ranked by field offices and HUD headquarters according to the funding criteria indicated below:

(1) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the development cost as defined in Section 279.27(d). In order to provide priority consideration to those applications which involve conversion of heating and/or cooling systems from oil or gas to coal and/or solar heating systems, such an application shall be chosen over another application not proposing such conversion in the event of a tie in ranking numbers. If there is a tie in ranking numbers between two applications for which the above priority is inapplicable, and one of the

applications is from an institution which proposed rehabilitation of housing and related dining facilities originally financed under the college housing program, such application shall be chosen over another application which covers facilities not originally so financed.

(2) New construction or acquisition of student housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time enrollment, at the educational institution to be served by the proposed project.

(3) New construction or acquisition of faculty housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to alleviate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time faculty at the institution to be served by the proposed project.

(b) Fund reservations for applications described in paragraph (a) of this section will be made in the following order:

(1) For applications in the category described in paragraph (a)(1) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts up to twenty-five percent (25%) of the total funds available.

(2) For applications in the category described in (a)(2) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts of up to twenty percent (20%) of the total funds available to institutions having enrollments of less than 3,000; twenty percent (20%) of the total funds to be reserved for institutions having enrollments of 3,000 to 4,999; twenty percent (20%) of the funds to be reserved for institutions having enrollments of 5,000 to 9,999 and

fifteen percent (15%) of the funds to be reserved for institutions with enrollments of 10,000 or more. In the event that the aggregate reservations made for any of these enrollment sub-categories are less than the available funds reserved for those sub-categories, the unused funds shall be used to make reservations in the other enrollment sub-categories.

(3) In the event that the aggregate reservations made in either category (a)(1) or (a)(2) are less than the available funds for that category, the unused funds shall be used to make reservations for applications in the other category. Funds will be reserved subject to availability for applications in the category described in paragraph (a)(3) of this section only after all eligible applications in (a)(1) and (a)(2) of this section have received reservations.

(Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., April 17, 1980.

Clyde McHenry,
*Deputy Assistant Secretary for Housing-
Federal Housing Commissioner.*

[FR Doc. 80-13011 Filed 4-25-80; 8:45 am]

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Federal Register

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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

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Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of

the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

Rules Going Into Effect Today**AGRICULTURE DEPARTMENT**

Agricultural Marketing Service—

20053 3-27-80 / Grapefruit from Arizona and California

Agricultural Marketing Service—

20046 3-27-80 / Grapefruit from California; order regulating handling

ENVIRONMENTAL PROTECTION AGENCY

20402 3-27-80 / Control of air pollution from new motor vehicle engines; high altitude emission standards voluntary compliance program for 1981 model year light-duty motor vehicles

INTERSTATE COMMERCE COMMISSION

20104 3-27-80 / Legal Assistance Referral Service

LABOR DEPARTMENT

Occupational Safety and Health Administration—

6706 1-29-80 / Servicing multipiece rim wheels

List of Public Laws

Last Listing April 24, 1980

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 474 / Pub. L. 96-237 To authorize and request the President to issue a proclamation designating April 21 through April 28, 1980, as "Jewish Heritage Week" (Apr. 24, 1980; 94 Stat. 338) Price \$1.

**THE FEDERAL REGISTER: WHAT IT IS
AND HOW TO USE IT**

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: May 16 and 30; June 13 and 27; July 11 and 25; at 9 a.m. (identical sessions).

WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.

RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202-523-5235.
Gwendolyn Henderson, Assistant Coordinator, 202-523-5234.

NEW YORK, N.Y.

WHEN: April 28, 29, and 30; at 9 a.m. (identical sessions.)

WHERE: Room 305A, 26 Federal Plaza, New York, N.Y. 10007

RESERVATIONS: Call Dorothy Gemallo, 212-264-3514.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)

WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.)
500 Camp Street, New Orleans, La.

RESERVATIONS: Call Mary Malouse, 504-589-6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)

WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.

RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801-524-5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.

WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.

RESERVATIONS: Call the Seattle Federal Information Center, 206-442-0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)

WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.

RESERVATIONS: Call Ardean Merrifield, 312-353-0339.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)

WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.

RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314-425-4100.